IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

Writ Petition 384 of 1999.

IN THE MATTER OF ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA AND
IN THE MATTER OF ARTICLES 21, 48A AND 51A
(g) OF THE CONSTITUTION OF INDIA;
AND
IN THE MATTER OF THE WATER (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1974 AND
THE AIR (PREVENTION AND CONTROL OF
POLLUTION) ACT, 1981
AND
IN THE MATTER OF APPOINTMENT OF ARECIO
D'SOUZA AS CHAIRMAN OF THE GOA STATE POLLU-
TION CONTROL BOARD WITHOUT THE NECESSARY
QUALIFICATIONS STIPULATED IN THE ACTS.

The Goa Foundation, represented by its Secretary, Dr Claude Alvares, with registered office at Rm.7, Above Mapusa Clinic, Mapusa 403 507 Goa.).Petitioners

v/s

1. Arecio D'Souza, Chairman, Goa State Pollution Control Board, Patto, Panaji, Goa.

2. State of Goa through its Secretary, Department of Environment, Secretariat, Panaji, Goa.

3. Goa State Pollution Control Board through its Member-Secretary, Patto, Panaji, Goa.).Respondents

A

Stay

(Cpl.-H.C., A.S., C.D.,78-e)

IN THE HIGH COURT OF BOMBAY AT GOA
PANAJI - GOA
APPELLATE SIDE

WRIT PETITION NO. 384 OF 1999.

Office Notes, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Ms. Norma Alvares, Advocate for the Petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Government Advocate for the Respondents.

CORAM: S.J. VAZIFDAR, &.
P.V. HARDAS, JJ.

DATE: 21ST APRIL, 2003.

P.C.:

The learned Advocate General states that the appointment of Respondent No.1 pursuant to the impugned Order dated 14th June, 1999 is no longer subsisting. Respondent No.1 is not functioning as Chairman of the Goa State Pollution Control Board. He further states that a fresh appointment will shortly be made by the Government.

In view of the aforesaid statement, the Petition is disposed of accordingly. stop

sl.

9-6-03
9-6-03
16-6-03
6-11-03
17-11-03

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Assistant Registrar
High Court of Bombay
at Goa, Panaji (Goa)
Pin 403 001

3422
6-12-03

Stay

IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

WRIT PETITION NO.384/1999

The Goa Foundation, represented by its Secretary, Dr. Claude Alvares, with registered office at Rm. 7, Above Mapusa Clinic, Mapusa 403 507.

... Petitioners

V E R S U S

1. Arecio D'Souza, Chairman, Goa State Pollution Control Board, Patto Panaji, Goa.

2. State of Goa through its Secretary, Department of Environment, Secretariat, Panaji, Goa.

3. Goa State Pollution Control Board through its Member-Secretary, Patto, Panaji, Goa.

... Respondents

Smt. Norma Alvares, Advocate for the petitioner.

Shri M.S. Usgaonkar, Senior Advocate with Ms. S.r Kamat, for the respondent no.1.

Shri A.N.S. Nadkarni, Advocate General with Shri A.F. Diniz Government Advocate for the respondent no.2.

CORAM: B.N. SRIKRISHNA AND R.M.S. KHANDEPARKAR, J. J.

DATED: 18th January, 2000.

ORAL ORDER: (PER SRIKRISHNA, J.)

Shri Nadkarni, Advocate General states that he would require time to file affidavit to oppose the petition. Time granted. Writ petition to come up for admission on 31.1.2000. Considering the seriousness of

...2/-

the situation pleaded by the writ petitioner, we direct that untill further orders, the Chairman shall not participate in or make decision in a meeting with regard to any major subject which comes before the Goa State Pollution Control Board, though he may carry out routine day to day work.

Typed by : S Naik
Read by :
Comp. by :

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Assistant Registrar
High Court of Bombay
Panaji Bench (Goa)

219
27-1-2000

Goa Foundation v/s Arecio D'Souza and ors:

List of various Chairpersons of State Pollution Control Boards in the country, with information reg. qualifications

STATE BOARD	NAME OF CHAIRMAN	QUALIFICATIONS
Andhra Pradesh	Shri V.P. Jauhari	IAS
Arunachal Pradesh	Shri G.P. Shukla	IFS
Assam	Dr. L.N. Bora	(?)
Bihar	Prof. R.C. Sinha	Prof. of Env. Science
Goa	Shri Arecio D'Souza	Politician
Gujarat	Shri P.V. Swaminathan	Retd. IAS
Haryana	Shri J.C. Yadav	IAS
Himachal Pradesh.	Shri Dev Swarup	IAS
Jammu & Kashmir	Shri P.P. Sharma	IFS
Karnataka	Prof.B. Shivlingiah	Prof. (Engineering)
Kerala	Shri Paul Thachil	Ex-SPCB
Maharashtra	Dr. Pramod Deo	IAS
Manipur	Prof. N.Gangmumi Kamei	IFS
Madhya Pradesh	Shri V.K. Jain	Retd. Chief Engineer
Meghalaya	Shri H. Prasad	(?)
Mizoram	Shri P.V. Samant	IFS
Nagaland	Shri Thepfulhouvi	IFS
Orissa	Prof.M.C. Dash	Prof. Env. Sciences
Punjab	Shri A.K. Mahajan	Engineer. Ind.Dev.Corp.
Rajasthan	Shri Anil Vaish	IAS
Sikkim	Shri G. Namaichaney	IFS
Tamil Nadu	Shri M. Devraj	IAS
Tripura	Shri Jitendra Chaudhuri	Min. of Sc & E. (Politician)
Uttar Pradesh	Shri Gopal Awasthi	IAS
West Bengal	Dr.K. Bagchi	IAS
Andaman & Nicobar	Shri S.R. Mehta	IFS
Chandigarh	Shri Rakesh Singh	IAS
Daman, Diu & NH	Shri A.K. Singh	IAS
Delhi	Shri Rajeev Talwar	IAS
Lakshadweep	Shri M.S.Sayed Ismailkoya	IFS
Pondicherry	Dr.Narendra Kumar	IAS

(4)

No.5-20-87-STE(Part)/230
Government of Goa,
Office of the Director,
Department of Science,
Technology & Environment,
Opp. Saligao Seminary,
Saligao, Bardez-Goa.
403 511.

Dated : 5th March, 1999.

Read : Notification no. 5-20-87-STE(Part) dated 25.8.1995
& Addendum no. 5-20-87-STE(Part) dated 07.9.1995.

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974, (Central Act 6 of 1974), the Government of Goa hereby re-constitutes the Goa State Pollution Control Board with immediate effect. The composition of the Board will be as follows: -

1.	Secretary (Environment)	.....	Chairman
2.	Director, Department of Science, Technology & Environment	.....	Member
3.	Director of Panchayats	.....	Member
4.	Director of Health Services	.....	Member
5.	Chief Engineer, PWD	.....	Member
6.	Director of Industries & Mines	.....	Member
7.	Representative of Goa Chamber of Commerce & Industry	.....	Member
8.	Representative of Goa Mineral Ore Exporters' Association	..	Member
9.	Chairperson, Mormugao Municipal Council...	..	Member
10	Chairperson, Curchorem-Cacora Municipal Council	.....	Member

True Copy

Member Secretary
Goa State Pollution Control Board

Goa State Pollution Control Board
Inward 4421
Date 11-3-99

11. Sarpanch, Village Panchayat Kundaim .... Member

12. Managing Director, Goa Tourism Development Corporation .... Member

13. Managing Director, Goa Industrial Development Corporation .... Member

14. Shri H.R.Kulkarni. .... Member Secretary.

By order and in the name of the Governor of Goa,

(Dr. N.P.S.Varde)
Director/Joint Secretary,STE.

To;

The Director, Printing & Stationery, Government Printing Press, Government of Goa, Panaji for publication of the same in the next issue of the Official Gazette. 20 copies of the Gazette may kindly be furnished to this Department.

Copy to :

1. The Chairman, Central Board for the Prevention & Control of Pollution, Ministry of Environment & Forests, Paryavaran Bhavan C.G.O. Complex, Lodi Road, New Delhi-110 003.
2. The Joint Secretary, Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi-110 003.
3. All Secretaries to the Government.
4. The Chairman/All members/Member Secretary of Goa State Pollution Control Board.
5. P.S. to Governor.
6. All Heads of Departments/Offices.

No. 5-20-87-STE(Part)/535
Govt. of Goa
Office of the Director,
Department of Science, Technology
&Environment
Opp. Saligao Seminary,
Saligao, Bardez-Goa.

Dated : 14th June, 1999

ORDER

Reference: Notification no. 5-20-87-STE (Part)/230 dated 08-03-99

The Government is pleased to nominate Shri Arecio D'Souza, MLA, as the Chairman of the Goa State Pollution Control Board by replacing the present chairman, the Secretary (Environment)

By order and in the name of the Governor of Goa

Dr. N.P.S. Varde
Director/Joint Secretary, STE.

Member Secretary
Goa State Pollution Control Board

To:
The Director, Printing & Stationery, Govt. Printing Press.
Govt. of Goa for publication in the Official Gazette.

Copy to :
1. Chairman, Central Pollution Control Board, New Delhi.
2. The Secretary, Ministry of Environment & Forests, New Delhi.
3. All Secretaries to the Government of Goa, Panaji.
4. The Chairman/Members/Member Secretary of the Goa State Pollution Control Board, Panaji.
5. The Chief Engineer, PWD, Panaji.
6. The Director of Accounts, Panaji, Goa.
7. All Heads of Departments/Offices, Government of Goa..

Pollution
Control Board
Inward 975
Date 15/6/99

3rd Board.

No. 5-20-87-STE(Part)

Government of Goa,
Department of Science,
Technology & Environment,
Sharda Bldg., 2nd Floor,
Behind Talaulikar Hospital,
Panaji-Goa.

Dated : 25th August, 1995.

Read : Notification No. 5-20-87-STE(Part) dated 1/6/1992.

N O T I F I C A T I O N

In exercise of the powers conferred by sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Government of Goa hereby reconstitute the Goa State Pollution Control Board with immediate effect. The composition of the Board will be as follows :-

1.	Dr. Carmo Pegado	...	Chairman
2.	Secretary (Environment) Govt. of Goa.	...	Member
3.	Chief Engineer, P.W.D. Govt. of Goa.	...	"
4.	Conservator of Forests, Govt. of Goa	...	"
5.	Director of Health Services Govt. of Goa.	...	"
6.	Director, Science, Technology and Environment, Govt. of Goa.	...	"
7.	Shri Shivanand V. Salgaonkar Industrialist, Vasco-da-Gama	...	"
8.	Shri Rodney Rodrigues Agriculturist, 'Xiro' Carmona, Salcete-Goa.	...	"
9.	Shri Rajendra S. Lawande Engineer & Businessman, Vasco-da-Gama.	...	"
10.	Shri Vishwasrao Desai Sarpanch, Pissurlem, Sattari.	...	"
11.	Shri Sanjay Gauns Desai Sarpanch of Village Panchayat Xeldem.	...	"
12.	Shri Subhash G. Narvekar Councillor of Mapusa, Mapusa Municipal Council, Mapusa.	...	"

Member Secretary
Goa State Pollution Control Board

... 2/-

13. Shri Ashok Halarnkar ... Member
Councillor Mormugao,
Municipal Council,
Vasco-da-Gama.

14. Managing Director, ... "
Economic Development Corporation,
Goa.

15. Managing Director, ... "
Goa Tourism Development
Corporation, Goa.

16. Shri H.A. Kulkarni ... Member Secretary.
Surveyor of Works, (PWD),
Panaji-Goa.

By Order and in the name of the
Governor of Goa,

(Dr. Naraina P.S. Varde)
Director/Joint Secretary, STE.

To:

The Director, Printing & Stationery, Govt. of Goa, Panaji for publication in the next issue of the Official Gazette. 20 copies of the Gazette may kindly be furnished to this Department.

Copy to :

1. The Chairman, Central Board for the Prevention & Control of Water Pollution, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, Lodi Raod, New Delhi-110 003.

2. The Joint Secretary, Government of India, Ministry of Environment and Forests, Paryavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi - 110 003.

3. The Chief Engineer, P.W.D., Altinho, Panaji-Goa.

4. The Chairman/All members/Member Secretary of Goa State Pollution Control Board.

5. P.S. to Governor/C.M./Ministers.

6. All Heads of Departments/Offices.

No. 5-20-87-STE(Part)

Government of Goa,
Department of Science,
Technology & Environment,
Sharda Bldg., 2nd Floor,
Behind Talaulikar Hospital,
Panaji-Goa.

Dated : 7th September, 1995.

A D D E N D U M

Read : Government Notification No. 5-20-87-STE(Part) dated 25.8.1995.

In the Government Notification cited above the following names shall be read after serial no. 12.

(13) Shri Andrew Rogers D'Souza ... Member
Deputy Sarpanch,
Bastora Village,
Bardez, Goa.

(14) Shri Ashok Halarnkar ... Member
Councillor Mormugao,
Municipal Council,
Vasco-da-Gama.

(15) Managing Director, ... Member
Economic Development Corporation,
Panaji, Goa.

(16) Managing Director, ... Member
Goa Tourism Development Corporation,
Trionora Apts., Panaji Goa.

(17) Shri P.A. Kulkarni, ... Member Secretary
Surveyor of Works (PWD),
Panaji Goa.

Member Secretary
Goa State Pollution Control Board

The names appearing at sr. nos. 1 to 12 shall remain the same.

By Order and in the name of the
Governor of Goa

(Dr. Naraina P.S.Varde)
Director/Joint Secretary, S.T.E.

To :
The Director, Printing & Stationery, Govt. of Goa, Panaji for ... 2/-

No.5-20-87-STE(Part-1)/952
Office of the Director,
Department of Science,
Technology & Environment,
Opp. Saligao Seminary,
Saligao, Bardez,
Goa - 403511.

Dated:- 20/10/99

To,
The Director,
The Goa Foundation,
Above Mapusa Clinic,
Mapusa - Bardez - Goa.

Reg:- Chairman of the Goa State Pollution Control Board.

Sir,

This has a reference to your letter dated 02/08/99, regarding qualification of the Chairman of the Goa State Pollution Control Board. In this regard I am directed to inform you that, Shri Arecio D'Souza, present Chairman of the Board is a Graduate in Arts (B.A.) with Geography and Economics. Post Graduate in Arts (M.A.) with History, and B.ED. with Geography and English. He is having 26 years experience of teaching in Higher Classes (Std VIII, IX and X) the subjects pertaining to Environment.

Kindly acknowledge the receipt.

Yours faithfully,

(Dr. N.P.S. Varde)
Director/Jt. Secretary, STE

No.S-20-87-STE(Part-1)/ 752
Office of the Director,
Department of Science,
Technology & Environment,
Opp. Saligao Seminary,
Saligao, Bardez,
Goa - 403511.

Dated:- 20/10/99

To,
The Director,
The Goa Foundation,
Above Mapusa Clinic,
Mapusa - Bardez - Goa.

Reg:- Chairman of the Goa State Pollution Control Board.

Sir,

This has a reference to your letter dated 02/08/99, regarding qualification of the Chairman of the Goa State Pollution Control Board. In this regard I am directed to inform you that, Shri Alexio D'Souza, present Chairman of the Board is a Graduate in Arts (B.A.) with Geography and Economics. Post Graduate in Arts (M.A.) with History, and B.ED with Geography and English. He is having 26 years experience of teaching in Higher Classes (Std VIII, IX and X) the subjects pertaining to Environment.

Kindly acknowledge the receipt.

Yours faithfully,

(Dr. M.P.S. Varde)
Director/Dt. Secretary, STE

- Teachg students a syllabus consistg of subjects which deal with env. does not qualify
- Teachg students even env. protection does not qualify

(1) Quality are general / not specialised in env protection
Also para 14 — there is an assumption of knowledge

(2) In the light of S. 11 & the vast powers there can be vested in Chairman, qualify are ?

(3) Cabinet Minister — considerations not relevant than under — conflict of interest

1000s of teachers who teach the subject

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

Writ Petition of 1999.

The Goa Foundation ..Petitioner.
v/s
Arecio D'Souza and ors.. ..Respondent.

INDEX

Sr. No.	Description	PAGES
1.	Memo of Petition	1-10
2.	Exhibit A: Order dated 5.3.1999 reconstituting the SPCB.	11-12
3.	Exhibit B: Order dated 14.6.99 appointing the Chairman of the Board.	13
4.	Exhibit C: Letter of GF dated 2.8.99	15-16
5.	Exhibit D: Letter dated 20.10.99 in reply.	17

Panaji dated.

Advocate for petitioners

IN THE HIGH COURT OF JUDICATURE AT MUMBAI,
GOA BENCH, AT PANAJI.

Civil

Writ Petition No. of 1999.

SYNOPSIS CONSISTING OF CHRONOLOGY OF DATES AND EVENTS

Sr.No.	Date	Particulars of events or documents, if any.	Annexure & page	Remarks (if any)
1	2	3	4	5
1.	5.3.1999	State Pollution Control Board is reconstituted.	Exh.A	
2.	14.6.1999	Order appointing Arecio D'Souza as Chairman of the Board is issued.	Exh.B	
3.	2.8.1999	Petitioner writes to government demanding to know the qualifications of Arecio D'Souza.	Exh.C	
4.	20.10.1999	Government replies reciting the qualifications.	Exh.D	
5.	12.199	Writ petition is filed.		

POINTS TO BE HEARD

This petition is being filed for a writ of quo warranto seeking to quash the appointment order by which Shri Arecio D'Souza, MLA, has been appointed as Chairman of the Goa State Pollution Control Board. Certain essential qualifications are required which alone will enable a person to be appointed to the post of Chairman of the Board. As per the statute, the person being appointed must have special knowledge or practical experience in respect of matters relating to environmental protection or must be a person having knowledge and experience in administering institutions dealing with environmental protection. The present incumbent has neither. Hence this petition to quash his appointment.

ACTS/RULES TO BE REFERRED TO

1. The Water (Prevention and Control of Pollution) Act, 1974.

2. The Air (Prevention and Control of Pollution)Act, 1981.

AUTHORITIES TO BE CITED

Advocate for petitioner

Panaji, 12.1999

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

Writ Petition of 1999.

IN THE MATTER OF ARTICLES 226 & 227
OF THE CONSTITUTION OF INDIA AND
IN THE MATTER OF ARTICLES 21, 48A AND 51A
(g) OF THE CONSTITUTION OF INDIA;
AND
IN THE MATTER OF THE WATER (PREVENTION AND
CONTROL OF POLLUTION) ACT, 1974 AND
THE AIR (PREVENTION AND CONTROL OF
POLLUTION) ACT, 1981
AND
IN THE MATTER OF APPOINTMENT OF ARECIO
D'SOUZA AS CHAIRMAN OF THE GOA STATE POLLU
TION CONTROL BOARD WITHOUT THE NECESSARY
QUALIFICATIONS STIPULATED IN THE ACTS.

The Goa Foundation, represented by
its Secretary, Dr Claude Alvares, with
registered office at Rm.7, Above Mapusa
Clinic, Mapusa 403 507 Goa.).Petitioner

v/s

1. Arecio D'Souza, Chairman
Goa State Pollution Control Board,
Patto, Panaji, Goa.

2. State of Goa through its Secretary,
Department of Environment, Secretariat,
Panaji, Goa.

3. Goa State Pollution Control Board
through its Member-Secry,
Patto, Panaji, Goa.).Respondents

(The above are registered addresses of respondents)

TO

THE HON'BLE THE CHIEF JUSTICE OF THE BOMBAY HIGH COURT

AND COMPANION JUDGES.

THE PETITIONERS HEREIN MOST RESPECTFULLY SHEWETH:

(1) The Petitioner is a Society registered under the Societies Registration Act. All the members of the Petitioner Society are Nationals and Citizens of India.

(2) The objects of the Petitioner Society, amongst others, include appropriate action to halt the ecological degradation of the environment and to formulate and implement programmes for the rehabilitation and development of the Goan environment and to restore ecological balance.

(3) The Petitioner's members as citizens of India like other citizens have also the fundamental duty as enshrined under Article 51(g) which reads:

"To protect and improve the natural environment including forests, lakes, river and wildlife and to have compassion for living creatures."

(4) This petition is beinged for the purpose of seeking a writ of quo warranto quash the appointment of one

Mr Arecio D'Souza as Chairman of the Goa State Pollution Control Board, a statutory autonomous body, set up under the provisions of the Air and Water Pollution Control legislation. As per the provisions laid down under the Water Act, 1974 and the Air Act, 1981, certain qualifications have been stipulated for persons being appointed to the position of Chairman of the Board. The said Arecio D'Souza does not have the necessary qualifications. Hence this Writ Petition for a writ of quo warranto.

(5) The present Goa State Pollution Control Board was reconstituted by an order of the Government dated 5.3.1999 during President's Rule in the State. The said order is hereto annexed to the petition as Exhibit A. Thereafter, after an elected government was set up in June '99, the Chairman of the Board who was a government servant resigned his post in order to make way for the appointment of a politician to the post. Thereafter, by order dated 14.6.99, hereto annexed to the petition as Exhibit B, Mr.Arecio D'Souza, M.L.A. was appointed Chairman of the Board in place of the Chairman who had resigned.

Constitution of Board

(6) By their letter dated 2.8.99, copy of which is hereto annexed to this petition as Exhibit C, the Goa Foundation wrote to the Secretary, Department of Environment of the Government drawing his attention to the provisions of the Water Act, 1974 which set out the qualifications necessary for a person to be appointed as Chairman of the Board. As

4

per Section 4 (2)(a) of the said Act, the qualifications are as under:-

"The Chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government;

Act Specifications

Provided that the Chairman may be either whole time or part time as the State Government may think fit."

(7) By the said letter dated 2.8.99, a demand was made to the Government to produce the qualifications of Arecio D'Souza in view of the specific provisions laid down in the said Act. After a period of nearly 2 months, the petitioners have received a reply from the Department of Environment. The said reply dated 20.10.99 is hereto annexed to this petition as Exhibit D. It states:

"I am directed to inform you that, Shri Arecio D'Souza, present Chairman of the Board is a Graduate in Arts (B.A.) with Geography and Economics. Post Graduate in Arts (M.A.) with History, and B.Ed. with Geography and English. He is having 26 years experience of teaching in Higher Classes (Std.VIII, IX and X) the subjects pertaining to Environment."

Geog/Eco/Hist

(8) Petitioner submits that the qualifications produced by the Joint Secretary in his said letter do not meet the qualifications required of the person to be appointed as Chairman of the Board as per the provisions of the Water Act, 1974.

(9) Petitioner states that an identical provision governs the appointment of the Chairman of the Pollution Control Board in the Air Pollution Control Act, 1981. Hence the provisions of the Air Act have also been violated in the said appointment of Mr Arecio D'Souza to the post of Chairman of the Board.

(10) Petitioner therefore challenges the legality of the said appointment on the grounds as given hereunder:

I) From the letter dated 20.10.99 it is clear that Arecio D'Souza does not have any qualifications in relation to matters of environment protection. The answer that has been given is that he has been an Arts teacher for several years and has been teaching subjects pertaining to environment. We submit that teaching students under 15 years of age subjects related to the environment does not qualify a person to be appointed as Chairman of the Board.

II) The qualifications of the Chairman of the Board is clearly specified in the statute as a person having special knowledge or practical experience in matters relating to environment protection or a person who has administered institutions dealing with environment protection. The present incumbent lacks either of the said qualifications.

III) The position of the Chairman of the Board is important in so far as environment laws are special laws, requiring special expertise and an incompetent person in the position would be unable to discharge his duties, as a result of which the environment is bound to suffer. Petitioners have a right to a clean and protected environment and the present appointment is bound to affect that right.

(ii) Petitioner states that the post of Chairman of the Pollution Control Board cannot be seen as a plum posting given as a reward to politicians for their personal profit and for defecting from their political parties. Petitioner states that one of the first actions of the said Chairman, who is a part-time Chairman, was to order the purchase of a brand new, air-conditioned Maruti Esteem for his personal use at a cost of Rs.5 lakhs. This vehicle is being used by him at all times though his post is as a part-time Chairman.

(12) Petitioner submits that if it succeeds in the present petition, it is entitled to an order directing the present incumbent to return all the moneys expended by the Board on the maintenance and use of the said vehicle.

(13) Petitioner states that since last week of November, 1999, the said Arecio D'Souza has now been made a Cabinet Minister in the present government headed by Mr Francisco Sardinha. Petitioner submits that this would constitute an additional ground for his removal as Chairman of the said Board since he will neither have the time for attending to the concerns of the Board nor will his decisions as Chairman of the Board be independent and free from government influence. There is bound to be conflict of interest. The Board cannot function as an adjunct of government.

(14) In writ petition No.218 of 1988, petitioner had challenged the appointment of the Chief Secretary, Goa government, to the post of Chairman of the Pollution Control Board on grounds of conflict of interest and the Chief Secretary was accordingly removed from the said post and the Board reconstituted. If Mr Arecio D'Souza is permitted to continue both as Minister and as Chairman of the Board, consents under the Air and Water Acts, and NOCs, will degenerate into acts of political expediency and the protection of the environment will be fully thrown to the winds.

(15) Petitioner states that when Mr.Suresh Parulekar, also an MLA, was appointed Vice-Chairman of the same Board six years ago, petitioner objected to the said appointment on the ground that there was no provision in the Act for such a post, and the order appointing Mr Parulekar as Vice-Chairman was accordingly modified. In the present case it does not appear that the Government will remove Mr Arecio D'Souza from the post since it has sought to justify his appointment and his alleged qualifications for the post, hence the petitioner is compelled to approach this Hon'ble Court for justice.

(16) Petitioner has maintained from time to time a watch on the appointments to the Board since the SPCB has an important role to play in the protection of the environment of the state.

(17) The petitioner craves leave to amend this petition if and when the need arises.

(18) The Petitioner states that it has not filed in this matter any other petition either in this Hon'ble Court or in the Supreme Court of India.

(19) The Petitioner has no other alternate and efficacious legal remedy available and if the reliefs prayed for herein are granted, they are complete in themselves.

(20) The Petitioner resides in Goa and has its office therein. Respondents have their offices in Goa. This Hon'ble Court has, therefore, jurisdiction to hear and decide the petition.

(21) Petitioner is therefore approaching this court for the following reliefs:

i) For a writ of quo warranto quashing the order dated 14.6.99 issued by the Respondent No.2 appointment Arecio D'Souza as Chairman of the Goa State Pollution Control Board;

ii) Pending hearing and final disposal of this petition, for an order staying the order dated 14.6.99;

iii) for interim relief in terms of prayer (ii);

iv) for costs;

v) for any other reliefs this Court may in its wisdom deem fit to grant.

Panaji December, 1999 Petitioner

10

V E R I F I C A T I O N

I, Dr Claude Alvares, Secretary, Goa Foundation, Parra, Bardez-Goa, Indian national, Major, the Petitioner abovenamed, do hereby solemnly declare and say that what has been stated in paragraphs 1, 2, 3, 5, 6, 7, 11, 15, 16, 18, 20 are true to the best of my own knowledge and what is stated in the remaining paragraphs, namely, 4, 8, 9, 10, 12, 13, 14, 17, 19, 21 are in the nature of legal submissions and/or inferences of facts, which I believe to be true.

Solemnly declared at Panaji-Goa.)
On this the day of December, 1999)

Identified by me: Deponent

Exhibit A

No.5-20-87-STE(Part)/230
Office of the Director
Department of Science,
Technology & Environment,
Opp. Saligao Seminary,
Saligao, Bardez, Goa 403511.
Dated : 5th March, 1999

Read : Notification no.5-20-87-STE(Part) dated 25.8.1995
& Addendum no.5-20-87-STE(Part) dated 07.9.1995.

NOTIFICATION

In exercise of the powers concerred by sub-section (1) of section 4 of the Water (Prevention and Control of Pollution) Act, 1974, (Central Act 6 of 1974), the Government of Goa hereby reconstitutes the Goa State Pollution Control Board with immediate effect. The composition of the Board will be as follows:-

1.	Secretary (Environment	..Chairman
2.	Director, Department of Science, Technology & Environment	..Member
3.	Director of Panchayats	..Member
4.	Director of Health	..Member
5.	Chief Engineer, PWD	..Member
6.	Director of Industries & Mines	..Member
7.	Representative of Goa Chamber of Commerce & Industry	..Member
8.	Representative of Goa Mineral Ore Exporters' Association	..Member
9.	Chairperson, Mormugao Municipal Council	..Member
10.	Chairperson, Curchorem-Cacora Municipal Council	..Member
11.	Sarpanch, Village Panchayat Kundaim	..Member
12.	Managing Director, Goa Tourism Development Corporation	..Member
13.	Managing Director, Goa Industrial Development Corportion	..Member
14.	Shri H.R. Kulkarni	..Member

By order and in the name of the Governor of Goa
Dr. N.P.S. Varde
Director/Joint Secretary, STE

To:
The Director, Printing & Stationery, Govt.Printing Press, Govt. of Goa for publication of the same in the next issue of the Official Gazette. 20 copies of the Gazette may kindly be furnished to this Department.

Copy to:
1. Chairman, Central Board for the Prevention & Control of Pollution, Ministry of Environment & Forests, New Delhi
2. The Joint Secretary, Government of India, Ministry of Environment & Forests, Paryavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi-110 003.
3. All Secretaries to the Government.
4. The Chairman/Members/Member Secretary of the Goa State Pollution Control Board.
5. P.S. to Governor.
6. All Heads of Departments/Offices.

Exhibit B

No.5-20-87-STE(Part)/535
Office of the Director
Department of Science,
Technology & Environment,
Opp. Saligao Seminary,
Saligao, Bardez,
Goa 403 511.

Dated : 14th June, 1999

ORDER

Reference: Notification no.5-20-87-STE(Part)/230 dated 08-03-99

The Government is pleased to nominate Shri Arecio D'Souza, MLA, as the Chairman of the Goa State Pollution Control Board by replacing the present chairman, the Secretary (Environment).

By order and in the name of the Governor of Goa
Dr. N.P.S. Varde
Director/Joint Secretary, STE

To:
The Director, Printing & Stationery, Govt.Printing Press, Govt. of Goa for publication in the Official Gazette

Copy to:
1. Chairman, Central Pollution Control Board, New Delhi
2. The Secretary, Ministry of Environment & Forests, New Delhi
3. All Secretaries to the Government of Goa, Panaji
4. The Chairman/Members/Member Secretary of the Goa State Pollution Control Board, Panaji.
5. The Chief Engineer, PWD, Panaji.
6. The Director of Accounts, Panaji, Goa.
7. All Heads of Departments/Offices, Government of Goa.

Exhibit C

The Goa Foundation,
Above Mapusa Clinic,
Mapusa 403 507 Goa.
2.8.1999

To,
The Secretary,
Department of Environment,
Government of Goa,
Panjim, Goa.

Sub: Chairman of the Goa State Pollution Control Board

Dear Sir,

We have been informed that by an order dated 14.6.1999, Mr Arecio D'Souza, MLA, has been appointed Chairman of the Goa State Pollution Control Board. The order has not been gazetted.

I wish to draw your attention to Section 4(2)(a) of the Water (Control and Prevention of Pollution) Act, 1974 regarding the qualifications necessary for a person to be appointed as Chairman of the Board:

> "The Chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government;
>
> Provided that the Chairman may be either whole time or part time as the State government may think fit."

We have made inquiries regarding the said Mr. Arecio D'Souza and have come to the conclusion that he does not have the necessary qualifications as required by the statute.

...2/

16

It may be we are wrong in the matter and that Mr Arecio D'Souza is extraordinarily qualified for the task. If the government is willing to defend his appointment, reply may please be given to us accordingly informing us of how his appointment is as per the statute.

We are in the meanwhile serving you notice that unless the present person is removed, we will have no option but to file a writ of quo warranto to challenge the appointment and to get it quashed.

May we remind you that the protection of the environment should be placed in the hands of competent people. The position of Chairman of the Board should not be reduced to a gift that can be handed out to MLAs who have to be accommodated for extraneous reasons. As it is, the Goa Pollution Control Board has an extremely sorry record of being lax and casual in its monitoring and implementation of environment laws. In addition to this, the Government is now keen to saddle it with a Chairman who is a political appointee.

Yours sincerely,

(Dr Claude Alvares)
Director

Exhibit D

No.5-20-87-STE(Part-1)/952
Office of the Director
Department of Science,
Technology & Environment,
Opp. Saligao Seminary,
Saligao, Bardez,
Goa 403 511.

Dated : 20/10/99

To,
The Director,
The Goa Foundation,
Above Mapusa Clinic,
Mapusa - Bardez - Goa.

Reg: Chairman of the Goa State Pollution Control Board

Sir,

This has a reference to your letter dated 02/08/99, regarding qualification of the Chairman of the Goa State Pollution Control Board. In this regard I am directed to inform you that, Shri Arecio D'Souza, present Chairman of the Board is a Graduate in Arts (B.A.) with Geography and Economics. Post Graduate in Arts (M.A.) with History, and B.Ed. with Geography and English. He is having 26 years experience of teaching in Higher Classes (Std.VIII, IX and X) the subjects pertaining to Environment.

Kindly acknowledge the receipt.

Yours faithfully,
(Dr.N.P.S. Varde)
Director/Jt.Secretary, STE

IN THE HIGH COURT OF BOMBAY AT PANAJI

Writ Petition No. 384/99

GOA FOUNDATION .... Petitioner

V/s.

ARECIO D'SOUZA & ORS. .... Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO.1.

I, Arecio D'Soza, major, married, Respondent No.1, residing at Cuncolim, Goa, do hereby solemnly affirm as under :

1. I have read the petition and understood the contents of the same. I say that I am holding the portfolio of Agriculture Minister.

2. I admit that the constitution of the State Pollution Control Board is as shown by the Petitioner in para 5 of the Petition read with EXHIBIT A to the Petition.

3. I say that, the constitution of the members of the Board is indicated in Section 4 (2) of the Water (Prevention and Control of Pollution) Act, 1974 which read as under :

Section 4(2) : "A State Board shall consist of the following members, namely :

(a) a chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection, or a person having knowledge and experience in

administering institutions dealing with the matters aforesaid, to be nominated by the State Government:

Provided that the chairman may be either whole-time or part-time as the State Government may think fit."

(b) Such number of officials, not exceeding five, to be nominated by the State Government to represent that Government;

(c) Such number of persons, not exceeding five, to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) Such number of non-officials, not exceeding three to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented;

(e) Two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;

(f) A full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the State Government."

The composition of the Board under Air (Prevention

and Control of Pollution) Act 1982 is also the same.

4. Accordingly, the Board constituted by the State Government is as indicated in para 5 by the Government order dated 05/03/1999 as shown in EXHIBIT A to the petition.

5. It is admitted that, by order dated 14/06/1999, the Respondent no.1 was appointed as chairman of the Board as shown in EXHIBIT B to the petition.

6. I say that, the name of the members constituting the same Board are shown as against the designation as shown in EXHIBIT A to the Petition are indicated below :

Name	Designation	Qualification
1. Shri Arecio D'Souza Secretary (Environment)	Chairman.	M.A.
2. Dr. N. P. S Verde Director, Department of Science, Technology & Environment & he is also Joint Secretary, S.T.E.	Member	Agricultural Scientist
3. Mr. Kambli Director of Panchayats	Member	Law Graduate
4. Dr. Salelkar Director of Health Services	Member	Surgeon
5. Mr. Raj Gopalan Chief Engineer, PWD	Member	Mechanical Engineer
6. Mr. Reddy Director of Industries & Mines Member.	Member	Science Graduate

Qualification

(No special qua on elw prescr

7.	Representative of Goa Chamber of Commerce & Industry	Member	Industrialist
8.	Representative of Goa Mineral Ore Exporters' Association	Member	Mine-owner
9.	Mrs. Madolin Pereira Chairperson, Mormugao Municipal Council	Member	
10.	Mrs. Maria D'Costa Chairperson, Curchorem-Cacora Municipal Council.	Member	
11.	Mrs. Pratisha Kundaikar Sarpanch, Village Panchayat, Kundaim	Member.	
12.	Mr. K.N.S. Nair Managing Director, Goa Tourism Development Corporation	Member.	Graduate
13.	Mr. J.B. Singh. Managing Director, Goa Industrial Development Corporation	Member	Graduate
14.	Mr. A. A. Parulekar	Member Secretary.	B.E.

7. I say that the different members besides the Chairman have been appointed as per Section 4 (2) (b) to (e) and the Secretary as per 4(2) (f).

8. The present Secretary of the Board appointed from July 1999 is a full time member and his qualifications are as follows :

Qualifications :

B.E. Bachelor of Engineering (Civil) Bombay University

PG. D.E.E. Post Graduate Diploma in Environment and

Member-Secy also has largely civil engineering background on pollution control

	Ecology Indian Institute of Env. & Ecology New Delhi
LL.B	Bachelor of law Bombay University
M.I.P.M.E.	Member of Institution of Public Health Engineers
M.I.E.	Member of Institution of Engineers

Subject are Geog. Hist & Engl.

9. As informed by the State Government by EXHIBIT D to the Petition. I am a graduate in Arts (BA) with Geography and Economics and post graduate in Arts (MA) with History and B.Ed. with Geography and English.

Subject Geog

10. I am having 26 years experience of teaching in higher classes of Std. VIII, IX and X of subjects pertaining to environment. I have served as a teacher in Mount Marry High School at Chinchillim and also in our Lady of Health at Cuncolim.

Subject Geog. Wood env. in the syllab. but not Env Ed

11. I say that the subject of environment was introduced in curriculum of the school from the year 1975 and 1976 onwards for the Std. VIII; from the year 1976 to 1977 onwards for the Std. IXth and from the year 1977 to 1978 onwards for the Std. X. I am annexing herewith the relevant portion of syllabi marked as Exhibit R1 colly.

12. I say that initially the subject of Environment was coming under the caption "Geography" but subsequently a specific subject on the topic of environment has been added.

From the year 1989, the text books which are been prescribed for the students are as follows:-

~~For Std. VIII ——— Land and People.~~

For Std. VIII - Land and People. : A Geog Textbook

IX - Understanding the Environment. (A text book in Geography for class IX).

X - Economic & Geography.

Where's Env. Prof.?

I crave leave to produce the relevant books as and when required by this Hon'ble Court. For the time being I am annexing only the Index of the contents of the same books as annexure R2A, R2B and R2C for Std. VIII, IX and X respectively.

13. I say that in order to teach the students, I have also gone through many books on the subject so as to impart proper knowledge of the subject to the students. I have acquired special knowledge on the matters relating to environmental protection.

Where is any proof that he has acquired adst knowledge.

14. I say that in the deliberation which are taken by the Board, I get the views of the officials of Government appointed by Government shown under item No.2, 3, 4, 5 & 6. Besides, I get views from the Secretary who is possessing the qualification shown in para 8 as he also takes part in the deliberations of the Board. I am also getting views from representatives of Panchayats and the Municipal Councils, officials of the Chamber of Commerce and Industry, Officials of the Mine-owners' Association and other Officials.

See general has not expressed view on poll. contd

15. I say that the Act has made clear distinction into ~~technical and professional~~ qualification and qualification in general. The Secretary possesses technical and professional qualification, likewise member

Chairman cannot have gen. qualf. must have Special qualf

2, 3, 4 & 5 also possess technical and professional qualification as prescribed for the posts held by them. Qualification required by the chairman is not of the same type. It is sufficient that the chairman possesses special knowledge in respect of matters relating to environmental protection.

16. I further say that port folio of environment is with the Chief Minister.

17. I say that the contents of all the above paras are true to my knowledge.

Solemnly affirmed at Panaji
on this 29th day of January, 2000. DEPONENT

Identified by :

Exb – R1 Colly 8

GOA BOARD OF
SECONDARY AND HIGHER SECONDARY EDUCATION

ALTO BETIM – GOA.

SYLLABI
FOR
STANDARDS VIII, IX AND X

For The Secondary School Certificate Examination

1994

GEOGRAPHY
STD. VIII, IX & X

Objectives:-
To enable the pupils to -
- develop an understanding of man and environment interrelationship at the global level:
- develop an appreciation of the interdependence of nations and regions of the world;
- develop an understanding of the need for the protection of the environment and the conservation of nature and natural resources.
- develop an understanding that the economic development of a region depends on several factors such as resources, level of scientific and technological advancement and the needs and aspirations of the people.
- acquaint themselves with the problems faced by our country in the process of accelerating the pace of development of its national economy and the social transformation of its traditional society into a modern one;
- develop skills and abilities to read, understand and analyse geographical information and the data presented in various forms such as photographs; maps, graphs, diagram and charts and
- equip themselves with needed abilities and attitudes to study and analyse problems of development having geographical dimensions, in a scientific manner.

Class VIII

Unit I Lithosphere and Land forms

1. The crust of the earth and major rock types
2. Interior of the earth
3. Earthquakes and volcanoes
4. Process of gradation and the agents of gradation

   (i) Weathering, formation and conservation soil
   (ii) Running water
   (iii) Ground water
   (iv) Moving ice
   (v) Winds
   (vi) Sea waves

Unit II - Lands and Peoples

1. Land, climate, vegetation and wild life
2. Natural resources and thier utilization
3. The people
4. Our neighbour - Pakistan, Nepal, Bhutan, Bangladesh, Burma and Sri Lanka
5. Malaysia and Indonesia
6. China and Japan

(2)

10

39

Unit III - Physical Setting

1. Relief features and drainage
2. Climate and vegetation

Unit IV India -Natural Resources

1. Major natural resources their distribution a utilization
   (a) soil
   (b) minerals-iron, coal, petroleum, baukite and manganese
   (c) forest and wild life
   (d) water
2. Conservation of natural resources

Unit V India - Human Resources

1. Population : density, distribution, growth rate and structure of population - sex composition, literacy rural - urban ratio, employment, age - structure

2. Quality of life - economic and social development health and nutrition

Unit VI India - Economic Development

1. Economic Development

   (a) Agriculture: Predominance of monsoon, irragation projects, food production, green revolution.
   (b) Industries: Development of industry, type of industries - heavy small-scale and cottage; few important industries-iron and steel, textiles, sugar, oil refineries, heavy machinery and chemicals.
   (c) Trade - internal and external.
   (d) Transport and communications: Land, water and air transport; means of communication and their development.

Unit VII Practical work - Studying Local Maps

1. Studying local map - a city map or a country map
2. Observing land forms in the neighbourhood and locating them on a map

Std. IX

UNIT I:- 1. Our Environment Compoment & Processes - the atmosphere, lithosphere, hydrosphere, biosphere; the totalitity of the environment: special place of human beings in the environment.
2. Face of the Land - the changing face of the earth, external processes - weathering, agents of gradation - earth movements, volcanoes and earthquakes.

3. Realm of Water
4. Air Around Us - insolation, heat zones, seasonal cycle, evaporation condensation, precipitation, forms of distribution of rainfall, weather and climate, factors determining climate, climate and man.
5. The Biosphere

UNIT II :- Maps as an Aid to Understanding Environment
a) Elements of map making and map reading.
b) Use of globe, maps and atlases in the study of geography.

UNIT IIIs-1. Our Growing Numbers - distribution, growth of population, density of population, man and ecosystem, and food supply.

Popular

2. Human Occupations - primary occupations - food gathering, hunting, fishing, animal rearing and mining; secondary occupations - industries; tertiary occupations - trade, transport, communication and other service.
3. Our Resources :- a) resources and their classification:- renewable and non-renewable; potential and developed; classification of resources based on their source e.g. land and water. b) Land resources- land use patterns, soil-formation, utilization, forest and wild life resources, animal resources, fisheries, mineral and power resources, water resources.
c) Depletion and degradation of resources and their conservation.
4. Human Life in the Natural Regions of the World - concept of natural region, major natural regions of the world, how natural regions help in the study of World Geography.
5. Human impact on Environment - Nature of human intervention causing environmental degradation, depletion of resources, environmental pollution, environmental problems at local, regional, national and global levels; Need and efforts to improve the quality of environment.
6. Area Development - Case Studies - few case studies each of development from agricultural and industrial regions representing both developed and developing regions.

43

(STD.X)

UNIT I :-

1. Physical feature - India and the Indian sub-continent-location, size, shape, political devision, relief, major, physiographic devision of India, their complementary nature to one another.
2. Climate - Climatic diversity and monsoonal unity - climate, natural vegetation, wild life, conservation of wild life.

UNIT II :-

1. Flora, Fauna and Soils.
2. Land use - forest lands, pasture and farm lands, settlement and other uses, soil, forest and cattle wealth, fisheries.
3. Water resources - uneven and undependable nature of rainfall, the twin problem of floods and famine, flood control, irrigation and drainage, water budget, sources of irrigation, river valley and multipurpose projects.
4. Mineral and Power resources - minerals - metallic and non-metallic mineral fuels, hydroelectricity, their exploration, distribution and extraction, power development, wise use and conservation of mineral and power resources.

UNIT III :-

1. Agriculture - problems of Indian agricultuire, post-independence development, major food, fibre and cash crops, food budget, yield per unit area.
2. Industries - Agro based and mineral based industries, iron and steel, heavy industries, large scale, small scale, and cottage industries, the need to step up industrial production and productivity.

UNIT IV & V :-

1. Trade, Transport and Communications - major exports and imports, major trading partners, recent trends. road , railways, waterways and airways, major ports, development of communication.
2. Human resources - the greatest resource of the country- population, size, distribution and density, composition in terms of age, sex and dependency, rural and urban growth of populationm, quantitative vs. qualitative aspects of human population; need and efforts towards planned development of human resources in terms of education, health, occupational and vocational skills, productivity and employment opportunities, need and efforts to stabilise population growth.

Exb- R, Colly 13
45

SYLLABI

FOR STD. VIII	-	FROM 1975 - 1976 ONWARDS
FOR STD. IX	-	FROM 1976 - 1977 ONWARDS
FOR STD. X	-	FROM 1977 - 1978 ONWARDS

6. Legacy of the India's Glorious History through Ages

(i) India's cultural heritage.
   (a) Contribution towards enrichment of human conscience,
   (b) Religion
   (c) Political Thought
   (d) Arts and sciences
   (e) Literature.

(ii) Indian Civilization and Cultural Exchange :– What we gave and what we received. (cultural and social exchange).

(iii) Ideals and Values that India cherishes in the field of
   (a) World Politics, (coexistence, tolerance, etc.)
   (b) Scientific Advance and Peace
   (c) Socialistic Pattern
   (d) Equality and Social Justice
   (e) Secularism
   (f) International Cooperation–Wrold Citizenship.

GEOGRAPHY

Objectives

To enable the pupils to

1. understand the inter-relation between the geographical environment and human life;
2. understand how the behaviour patterns of human beings are affected by geographical conditions;
3. understand how man has adjusted himself to the geographical environment and utilised natural resources for the betterment of his life by the application of the knowledge of science and technology;
4. develop critical thinking through observation of phenomena of nature;
5. develop synthetic understanding of the peoples living in other environments as also of their problems and difficulties;
6. acqire skills in preparing, reading and interpreting maps and charts, preparing models and recording temperature, rainfall and pressure;
7. take interest in visits to places of geographical interest and in preparing albums for depicting human life in different regions;
8. cultivate spirit of experimentation, adventure and tolerance;
9. broaden their out-look on life and cultivate love for one's country;
10. appreciate the interdependence of the peoples of the world.

STANDARD VIII

1. Space

(i) Stars, Planets, Satellites, Comets, Meteors, The Milky way
(ii) Solar System—Inferior and Superior planets–their relative sizes and distances.
(iii) Earth-size and shape—The earth's dimensions, distribution of land and water.

2. Movements of the Earth

(i) Rotation—Poles–Axis of the earth, Equator, Day and night.
(ii) Inclination of the axis—Tropics of Cancer and Capricorn. Arctic and Antarctic circles.
Revolution–Variation in the length of days and nights. Seasons.
(iii) Longitudes and Latitudes—Longituces and time–Local time–Standard time–International Date Line.

3. Atmosphere

(i) Extent—Layers of atmosphere.
(ii) Temperature–Factors on which temperature depends–Latitude–Altitude–Distance from the Sea-Slope-Soil-Forest-Winds-Ocean currents.
(iii) Pressure—Atmospheric pressure–and its measurements–High and Low pressure belts and winds.
(iv) Rainfall–evaporation–condensation–types of rainfall.

4. Major Natural Regions of the World

(i) Idea of a natural region–the classification of natural regions on the basis of climate.
(ii) Study of the following major natural regions of the world under the heads given below :
(a) Location and Extent–Names of countries and/or their parts–General physical features.
(b) Climate (with cause and effect.) Temperature. Pressure–Wind–Rainfall.
(c) Vegetation—Its characteristics. Agricultural produce.
(d) Animal life–its characteristics.
(e) Mineral Resources.
(f) Human life as conditioned by the geographical factors.
(g) Modern developments–Industries. Means of communication, Important towns,

Natural Regions to be studied.

1. Equatorial, 2. Monsoon, 3. Tropical Grass Lands, 4. Tropical Deserts,

5. Mediterranean, 6. Temperate Grass Land, 7. West European Type,
8. St. Lawrence Type, 9. Coniferous, 10, Tundra.

Practical

1. (i) Reading of Thermometer, Barometer and Rain Gauge.
   (ii) Recording of temperature, pressure and rainfall. (Students are expected to draw graphs showing actual temperature, pressure and rainfall for a week or so in a locality.)

2. (i) Map–its purpose and classification (political, relief),
   (ii) Directions on the map.
   (iii) Scale-Simple scale.
   (iv) Use of the following conventional symbols :—

(1) Mountain	(14) Aerodrom
(2) Hill	(15) Showing north on a map
(3) Peak	(16) Port
(4) Pass	(17) District boundary
(5) River	(18) State boundary
(6) Confluence of two rivers	(19) International boundary
(7) Dam across a river	(20) Showing scale
(8) Tank	(21) Capitals of
(9) Path	(a) Country (b) State.
(10) Road	(22) District Place
(11) Railway	(23) City
(12) Village	(24) Jungle
(13) Light house	(25) Swamp

Students are expected to draw a sketch map of a locality making use of the above symbols.

3. Activities

Class as a whole is expected to complete a project on at least one of the natural regions with the following items :—

(i) Map showing the location, extent and countries.
(ii) Climatic conditions. (by means of graphs and bar-method)
(iii) Vegetation and agricultural produce.
(iv) Collection of pictures showing vegetation, animals and human life.
(v) An exhibit can be arranged showing collection of woods, leaves, fruits, jungle products, agricultural produce etc.

4. Model depicting the life of a tribe may be prepared.
5. Filling in the maps showing different natural regions and important towns.

STANDARD IX

A. PHYSICAL

1. Atmosphere

(i) Wind System
  (a) Permanent Winds : Trades, Westerlies, Polar.
  (b) Seasonal Winds : Monsoons.
  (c) Local Winds : Land and Sea Breezes, Valley and Mountain, Loo. and Norwesters.
  (d) Variable Winds : Cyclones, Anticyclones.

(ii) World distribution of temperature, pressure and rainfall with the help of isotherms, isobars and isohyets.

2. Lithosphere

(i) Earth's Crust–Nature and Composition
(ii) Elements and minerals of the earth's crust–Rocks–their types : Igneous, Sedimentary and Metamorphic–examples and uses.
(iii) Movements of the earth's crust–Slow and sudden. Earthquakes–their nature and effects, volcanoes. Nature–Active, dormant and extinct–effects (with examples).
(iv) Major land forms, Mountains, Plateaus and Plains.
(v) Process of Gradation–Weathering mechanical and chemical–agents of gradation–wind, running water, moving ice, and waves of the sea.
Examples of the land forms due to denudation and deposition.

3. Hydrosphere

Waves–Ocean curtents–origin and direction of ocean currents in the north Atlantic and north Pacific oceans–effects of ocean currents on climate, shipping and fishing.

B. India In A Nut-Shell

1. (i) position in the world: Location–shape and size–
(ii) Relief–the great northern mountains, the northarn plain and the Deccan plateau along with coastal strips–Drainage–the rivers of the north and the south–geographical unity of India
(iii) Climate–factors determining climate of India. Cycle of seasons–rainfall and its distribution–vegetation belts–Tropical rain forests–tropical deciduous beltes–Tropical rain forest–tropical deciduous–dry forests and the vegetation of the Himalayan region.
(iv) Soils–Alluvial, Black, Red and Laterite–overall land use.

2. (i) Irrigation–Hydal Power–necessity–sources idea of water budget–multipurpose projects–Bhakra–Nangal, Rajasthan cannal. Chambal, Damodar, Hirakud, Koyana, Tungbhadra.

(ii) Agriculture–its importance–methods of farming–Kharif and Rabi seasons–Major crops–Rice–Wheat–Jwari–Bajari–Pulses–Oil seeds; Sugarcane–Tea–Coffee–Spices. Fruits and nuts, Cotton–Jute–Tobacco–Rubber.

(iii) Animal Wealth : Cattle–Sheep–Poultry–Dairy products–wool and skins–fisheries.

(iv) Mineral Wealth–Mineral ores–metallic and non–metallic–methods of mining–Important minerals and their uses–Iron–bauxite–manganese–copper–mica–salt–diamonds–gypsum and lime stone, coal–mineral oil and gas; radio–active minerals and atomic energy.

3. (i) Industries : Primary and secondary–growth of modern industry–Industries based on agriculture– Textile–cotton– jute– wool–silk and synthetic material–other industries–sugar–edible and vegetable oil and paper.

(ii) Industries based on minerals : Iron and steel–railway engines, coaches and wagons–ship building–motor and automobiles, aeroplanes, heavy engineering machines and tools, oil refining and petro–chemical fertilizers, cement, chemicals heavy chemicals.

4. (i) Transport and communications : Importance–life lines of nation, relationship between trade and means of transport, Roads : National highways, State highways, Railways, Water ways–coastal and inland, Airways–Indian Air Lines and Air India; Idea of modern means of communication–post telegraph–telephone–radio–Television etc.

(ii) Trade and Commerce : Imports and exports of India.

5. Population : People as the greatest resource of a contry–density of population–composition and distribution (language, religion and statewise), Unity in diversity–rapid growth of population–effects of growing population and limited resources, need for checking population and raising standard of living. Balance in nature, conservation of environment and natural resources.

6. Important towns, cities and ports and their development.

C. Practical

1. Drawing the following maps of India
   (1) Political–states–their capitals and important cities.
   (2) Relief.
   (3) Rainfall–summer and winter.
   (4) Crops and minerals.
   (5) Means of transport and communication.

2. Showing imports and exports by bar and graph methods.

3. Showing crops and population by dot methods.

4. Revision of :-

Direction–Scale and conventional symbols on maps (from Std. VIII).

5. Preparation of a geographical account of an item of geographical interest such as :

(1) Weekly bazar
(2) Market place
(3) Railway station and yard
(4) River course
(5) Waterfall
(6) Lake
(7) Factory
(8) Industry
(9) Dockyard
(10) Sea-coast
(11) Hill area
(12) Valley
(13) Irrigation Facilities.

STANDARD X

1. General Geography

(i) Nature and origin of the three spheres of the Earth : Atmosphere, Lithosphere, Hydrosphere. Distribution of land and water on earth.

(ii) The moon : Its size, distance from the earth and the sun. Movements–direction and duration, dark and bright halves, Phases–new moon, crescent, first quarter, half, gibbous, full moon, second quarter and new moon (with diagrams).

(iii) Eclipses : Lunar and solar-partial, total and annular (with diagrams).

(iv) Tides : Types–low, high, spring and neap, causes (gravitational pull of the sun and the moon) and its effects (man and tides).

2. Man and his environment

Man's primary needs ; Food, clothing and shelter as conditioned by

(a) Physical environment–location, site, situation, land forms, water–bodies, climate, vegetation, animals and soils.

(b) Human resourses–Race, religion, language and culture.

3. World Economic Geography

Detailed study of world resources (with special reference to India and Maharashtra).

(i) Vegetation–Forests, grasslands and shrublands. Types of forests and their importance,

53 20

(ii) Important crops–cereals and oilseeds, beverages, sugarcane, sugarbeet, rubber, cotton, jute, flax and tobacco.

(iii) Animals and Animal Products–cattle, sheep, goat, swine; skins and hides, silk and wool, dairy products, poulty and fisheries.

(iv) Monerals–Iron, manganese, aluminium, copper, tin, zinc, lead and gold.

(v) Power Resources–coal, petroleum, natural gas, water and atomic energy.

(vi) Industries–Factors favouring localisation and distribution; iron and steel, textiles chemicals, aluminium, motor vehicles, manufacturing, ship building and air craft building, food processing.

(vii) Means of transport

(a) Railways : Trans–Siberian, Canadian–Pacific.

(b) Ocean routes–important ocean routes, Suez and Panama canals.

(c) Air Routes–importance of main international air routes.

(viii) Occupation of Man.

Gathering and hunting, Fishing, Hearding, Lumbering, Farming, Mining, Manufacturing and Commerce. Change in these occupations due to technological developaents.

(ix) International trade

(a) Surplus and deficit areas.

(b) Interdependence of countries.

(c) India and her neighbours–economic and trade relations.

(x) World Population–distribution and density, grawth of population in developing and developed countries, relation between growing population and shrinking resources, importance of optimum use and conservation of natural resources, need for population control and measures adopted.

Practical

(Every pupil should maintain a note–book showing the record of his practical work.)

(1) Locating places on globes and maps with the help of longitudes and latitudes.

(2) Contours : contour intervals, determination of height with the help of contours.

(3) Identification of Slopes–

(1) Steep
(2) Gentle
(3) Even
(4) Uneven
(5) Terraced
(6) Concave
(7) Convex.

(4) Drawing of Contours for

(1) Conical hill
(2) Plateau.
(3) River–Valley
(4) Spur
(5) Mountain pass
(6) Water fall.

(5) An account of geographical excursions under the following heads–

(1.) Location, Site, Situation.
(2) Local relief.
(3) Climate
(4) Drainage
(5) Nature of soils
(6) Agricultural Industrial Production.
(7) Other economic activities viz, Mining.
(8) Means of Transport
(9) Marketing activities
(10) Public places
(11) Life of the people.

CIVICS AND INDIAN ADMINISTRATION

Objectives

To enable the pupils to

1. know the inter-relation between the individual and his environment, both natural and social;
2. understand their indebtedness to the social institutions;
3. understand their duties and responsibilities towards the social institutions;
4. understand the values of democracy and secular social order accepted by India;
5. know the problems in the way of creating a social order free from casteism, racialism and provincialism;
6. understand the principles of Justice, Equality, Liberty and Fraternity embodied in the Indian Constitution;
7. understand the rights which they have as citizens of a democratic state;
8. understand the structure of Governmental machinery;
9. understand that they are the citizens of the world;
10. develop the habits conducive to democratic way of living;
11. develop attitudes for co-operation, community living and social service;
12. appreciate the principles of justice, equality, liberty and fraternity;

STANDARD VIII

1. Civics
   - (i) Its meaning, scope and importance.
   - (ii) Man and Society–Concepts of State, Government and Nation.
2. Social Institutions
   - (i) Family : functions and types.
   - (ii) Marriage : Forms, Social regulations, reforms, divorce.
   - (iii) The Caste System : Features, its advantages and evil effects, changes in the caste-system.
   - (iv) The Class System : Class-struggle, Classless Society, reconciliation of classes and Sarvodaya.
3. The Population Explosion

   Causes, evil effects, remedies, 1971 census.

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22

55

SYLLABI

FOR STD. VIII	-	FROM 1982 - 1983 ONWARDS
FOR STD. IX	-	FROM 1983 - 1984 ONWARDS
FOR STD. X	-	FROM 1984 - 1985 ONWARDS

Armed Revolutionaries.
Resolution of Total Independence.
Civil Disobedience Movement.
Round Table Conferences.
Poona Pact.
Act of 1935.
Quit India Movement 1942.

4. Indian National Movement — The final phase 1942-1950 —
Indian National Army.
Rebellion in the Navy and Air Force.
Declaration of Independence and the partition.
India becomes a Republic.
Merger of Princely states.
Economic achievements through planned economy.
India's foreign policy.

6.2 GEOGRAPHY

Objectives:

To enable the pupils to —

1. know and understand the inter-relationship between the geographical environment and human life at:
   a) Local;
   b) National; and
   c) World level.
2. apply the knowledge to the relevant situations in Geography.
3. acquire the necessary skill useful to study Geography.
4. take interest in visiting the places of geographical interest.
5. broaden their outlook towards the world and human life.

STANDARD VIII

1. Astronomical Geography (Space):
   Solar system — Earth as a planet; its shape and size; Latitudes and Longitudes.
2. Physical Geography:
   Distribution of land and water.
   Lithosphere — Earth's crust — Rocks and Minerals.
   Landforms — (i) Due to earth's movements (folding and faulting) and earthquakes and volcanoes.
   (ii) Due to denudation.
3. India —
   i) Position of India and its significance.
   ii) Relief of India — Major landforms and relief zones, importance of Himalayas.

24

iii) Geology — Rocks, minerals and soils.
iv) Rivers and coastlines of India.

4. World —

i) World major landforms, Mountains, Plateaus and Plains
ii) Rivers of the world.
iii) Distribution of deserts and snowfields.

5. Skill (Use of Techniques)

i) Drawing of 3 dimensional blocks to represent landforms
ii) Hachures and relief maps.
iii) Collection of rocks and minerals and
iv) Use of scales, directions and symbols in maps.

STANDARD IX

1. Astronomical Geography

Earth's rotation of revolution, their results, days and nights seasons.

2. Physical Geography

Atmosphere: Elements of climate: Temperature, pressure, wi and rainfall.

Theoretical distribution

3. India

Climate of India, Seasons of India-Monsoons
Distribution of temperature and rainfall in India
Droughts and Floods in India — Irrigation: Agriculture
Natural Vegetation — Major crops zones.

4. World

Climatic Zones — concept of natural regions, climatic vege tional and animal characteristics of major natural regions.

5. Skill (Use of Techniques)

i) Recording of weather elements
ii) Technique of superimposition and comparison of maps
iii) Climatic graphs.

STANDARD X

1. Astronomical Geography

Phases of the moon, Eclipses, Tides.

2. Physical Geography

Oceans and seas, waves and tides, major currents, submar relief and islands.

3. India

i) Industries and recent economic development of India
ii) Ports of harbours: waterways, railways, roadways, a airways in India

iii) Trade, commerce and population in India
iv) Villages and Towns in India.

4. World
   i) Major natural regions: (Tropical, temperate & cold lands) with reference to environmental conditions, products and economic activities
   ii) World communication: ocean routes, air routes, railways and roads
   iii) International trade
   iv) Population of the world and conservation of resources.

5. Skill (Use of Techniques)
   i) Political maps
   ii) Line graph and bars to represent population and economic data
   iii) Field visits.

6.3 CIVICS AND INDIAN ADMINISTRATION

Objectives:

To enable the pupils to —

1. know the interrelation between the individual and his social environment
2. understand the nature of the social institutions
3. understand the values of democracy and secular social order accepted by India
4. know the problems in the way of creating a social order free from casteism, racialism, provincialism and linguism
5. understand the principals of Justice, Equality, Liberty and Fraternity embodied in the Indian Constitution
6. understand the rights and duties which they have as citizens of a democratic state
7. understand that they are the citizens of the world
8. develop the habits conducive to democratic way of living
9. develop attitudes for co-operation, community living and social service.

STANDARD VIII

1. Civics
   i) Its meaning, scope and importance
   ii) Man and Society — Concepts of State, Government and Nation

2. Social Institutions

Family, classes and evils of caste system

3. Local Self Government

i) Meaning and functions of Local Self Government

ii) Local Self Government in urban and rural areas — Co ration. Municipalities, Panchayati Raj Institutions with munity development.

4. Strengthening our Democracy:

i) Definition of Democracy.

ii) Factors responsible for successful democracy with sp reference to Indian democracy.

5. Defence System:

i) Description of the organisation and functions of the t wings of defence services —

(i) Army; (ii) Navy; (iii) Air Force.

ii) Auxiliary Defence organisations —

(i) Territorial Army; (ii) Border Security Fo (iii) National Cadet Corps; (iv) Home guards and (v) Defence Organisations.

STANDARD IX

1. Our Constitution and its Ideals:

i) Preamble — Democracy, Socialism and Secularism. International Co-operation.

ii) Different forms of the Government —

a) Unitary and Federal.

b) Presidential and Parliamentary.

2. Social and Economic Reconstruction:

i) Poverty, Population, Unemployment and illiteracy prob and solutions.

ii) Planning. Concept of Planning and its importance.

3. Law.

Meaning and importance, law and social change, proces making law in a Parliamentary Democracy.

4. Role of Citizens in a Democracy.

i) Citizenship—its meaning. How citizenship acquired and l Reference to Act 1955.

ii) Rights — its meaning and type, Human Rights Cha Fundamental Rights and Duties embodied in the In Constitution, Rights and duties relationship.

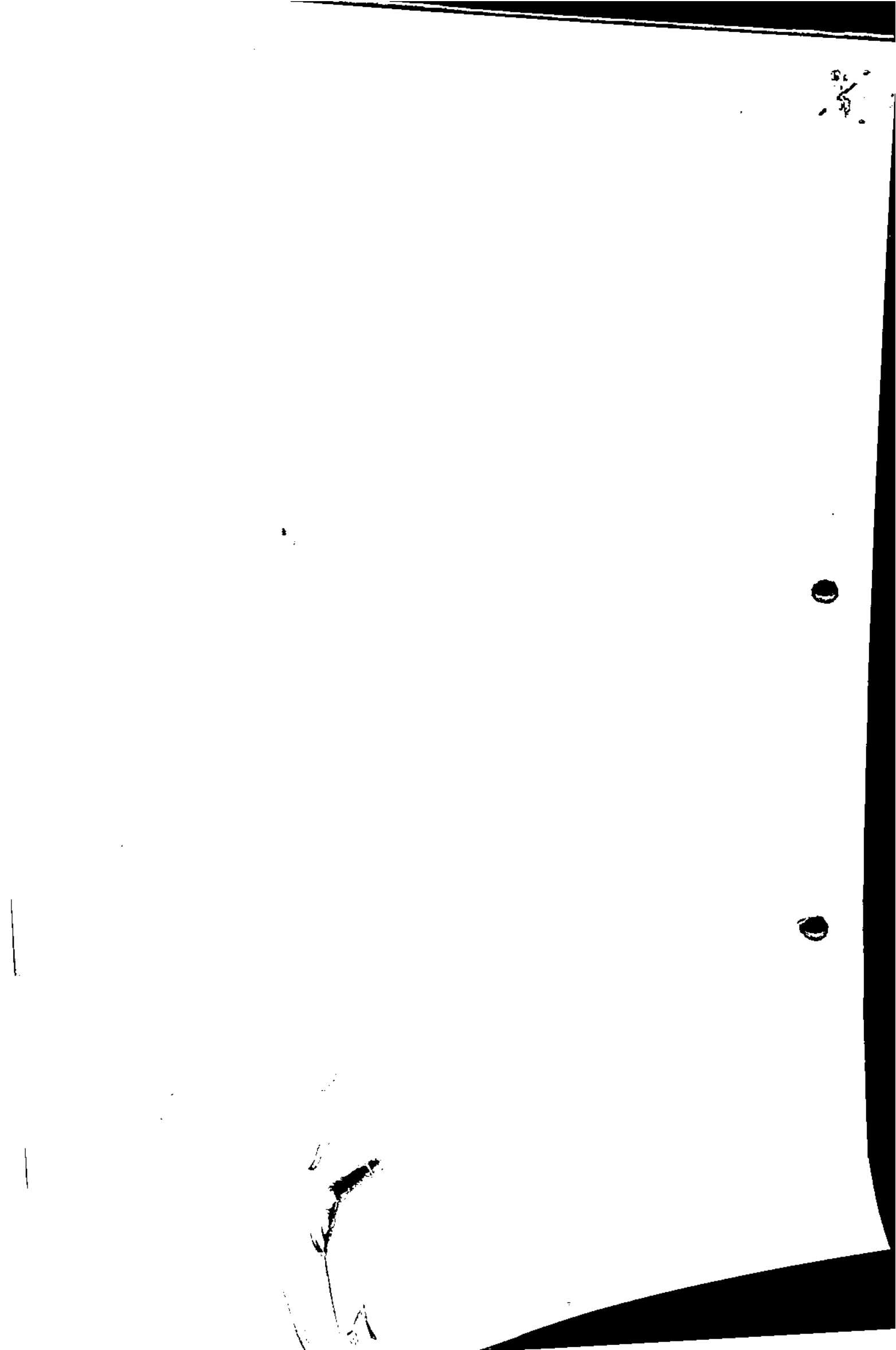
STANDARD X

1. Our Government — The Union Government — Three branches:
   i) Parliament — The Lok Sabha and the Rajya Sabha, structure, functions and powers.
   ii) The President — Powers, Vice President, The Council of Ministers, its powers and functions, Role of the Prime Minister.
   iii) The Judiciary — The Supreme Court — Composition and Jurisdiction.

   Inter-relations among the different branches of the Union Government.

2. State Governments with special reference to a neighbouring State, e.g. Maharashtra.
   i) The legislature — Vidhan Sabha and Vidhan Parishad, Its structure and functions, Powers of the legislature.
   ii) Governor — Powers and position, Powers and functions of the Council of Ministers, Role of the Chief Minister.
   iii) The High Court — Powers and Jurisdiction.
   iv) Pattern of Union Territory Government with reference to Goa, Daman and Diu.

3. The United Nations and International understanding:
   i) Objects of the United Nations, six organs and their functions, India in the United Nations, UNESCO.
   ii) Promotion of International understanding — Interdependence Relation - between nations, towards world citizenship.



Exb - R2A

28

63

LANDS AND PEOPLES

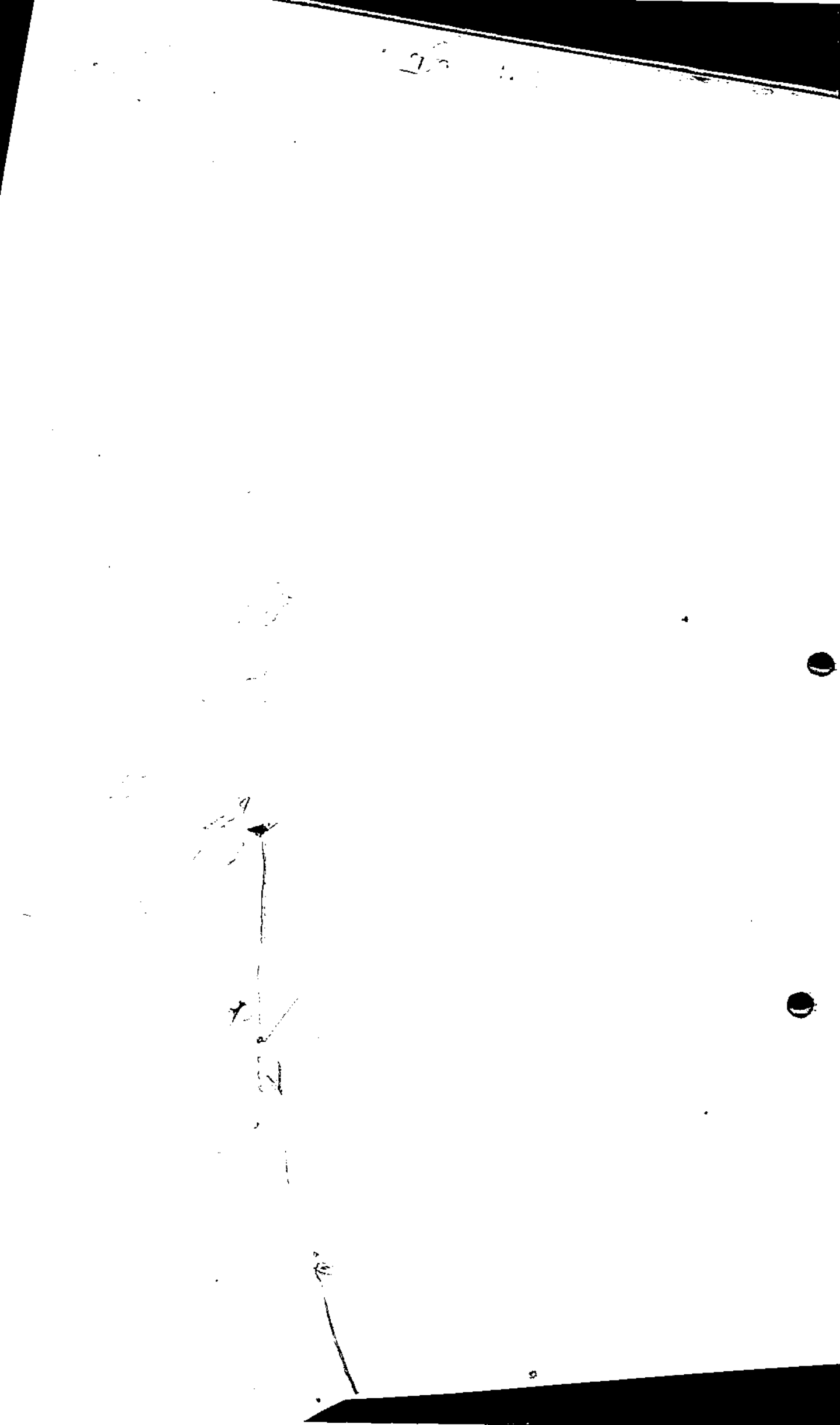
Part III

A Geography Textbook for Class VIII

Editors

D.P. GUPTA S. SINHA

राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING



Contents

FOREWORD v

Unit One : Lithosphere and Landforms 1

1. Lithosphere and Landforms 3
2. Agents of Gradation (I) 9
3. Agents of Gradation (II) 16

Unit Two : Asia 23

4. Land and Climate 25
5. The People and the Resources of Asia 35
6. Our Closest Neighbours : Pakistan, Nepal, Bhutan, Bangladesh, Myanmar and Sri Lanka 45
7. Lands of Plantations : Malaysia and Indonesia 56
8. The Home of One-fifth of Mankind : China 62
9. The Land of the Rising Sun : Japan 67

Unit Three : India — Our Motherland 75

10. The Face of Our Motherland 77
11. India — The Land of the Monsoon 89
12. Soil and Land Use 102
13. Our Agriculture 113
14. Our Water Resources 124
15. Our Underground Wealth 134
16. Our Manufacturing Industries 142
17. The Lifelines of Our Country 153
18. People — The Greatest Resource of a Country 163

Unit Four : Studying Local Maps 169

19. Studying Local Maps 171

Exb - R-2 B

30

67

Understanding Environment

A Textbook in Geography for Class IX

N. ANANTAPADMANABHAN

राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
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69

Contents

Foreword	iii
Preface	v
UNIT I : OUR ENVIRONMENT	1
Chapter One : Our Environment—Components and Processes	3
Chapter Two : Face of the Land	12
Chapter Three : Realms of Water	26
Chapter Four : The Air Around Us	33
Chapter Five : Biosphere	47
UNIT II : MAPS AS AID TO UNDERSTANDING ENVIRONMENT	57
Chapter Six : Maps as Aid to Understanding Environment	59
UNIT III : HUMAN IMPACT ON THE ENVIRONMENT	69
Chapter Seven : Our Growing Numbers	71
Chapter Eight : Human Occupations	80
Chapter Nine : Our Resources	88
Chapter Ten : Human Life in Natural Regions of the World	105
Chapter Eleven : Human Impact on Environment	115
Chapter Twelve : Area Development—Case Studies	122
Glossary	129
Appendices	143

71

INDIA

Economic Geography

A Textbook for Class X

B.S. PARAKH

एन सी ई आर टी
NCERT

राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
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33

73

Contents

FOREWORD ..... (iii)

Unit One: Physical Setting 1

CHAPTER 1 Physical Features 3
CHAPTER 2 Climate 15

Unit Two: Our Natural Resource Base 33

CHAPTER 3 The Flora, Fauna and the Soils 35
CHAPTER 4 Land Use and Water Resources 45
CHAPTER 5 Mineral and Power Resources 54

Unit Three: Agriculture and Industry 69

CHAPTER 6 Agriculture 71
CHAPTER 7 Industries 96

Unit Four: Trade, Transport and Communications 113

CHAPTER 8 Trade, Transport and Communications 115

Unit Five: Nurturing Our Human Resources 129

CHAPTER 9 Human Resources 131

IN THE HIGH COURT OF BOMBAY AT PANAJI

Writ Petition No. 384/99

GOA FOUNDATION .... Petitioner

V/s.

ARECIO D'SOUZA & ORS. .... Respondents

INDEX

Sr. No.	Particulars	Exb.	Pg.No.
1.	Affidavit in reply on behalf of Respondent no. 2		1-7
2.	Copy of Syllabi.	R1 Colly	8-27
3.	Contents of the Books for the std. VIII, IX and X.	R2A, R2B & R2C	28-33

Panaji
January 29, 2000

Advocate for the Respondent no.1

(75)

IN THE HIGH COURT OF BOMBAY AT PANAJI

Writ Petition No.384/99

The Goa Foundation ... Petitioner

Versus

Arecio D'Souza & Others ... Respondents

AFFIDAVIT of Respondent no.2

I, Dr. N. P. S. Varde, major in age, residing at Alto Porvorim, Bardez, Goa, do hereby on solemn affirmation state as under:

1. I state that I am holding the post of Director – Environment as also ex-officio Joint Secretary – Environment, Government of Goa. I have perused the petition filed by the petitioner herein and in reply thereto am filing this short affidavit for the limited purpose of opposing the admission of this writ petition and the grant of interim reliefs, as prayed for.

2. I crave leave to file a detailed affidavit in the event this Hon'ble Court is pleased to issue Rule Nisi in this petition. I state that since I am filing this affidavit for the limited purpose of opposing the admission and interim reliefs, I crave leave to file a detailed affidavit and am not dealing with each and every

77

averment made in various paragraphs of the present writ petition. I state that I should not be deemed to have admitted any of the averments made in the petition if the same are not specifically dealt with or denied by me herein. I emphatically deny each and every averment made by the petitioner, which is inconsistent or contradictory to whatsoever stated by me in this affidavit.

3. I state that by a Notification dated 21-7-1999, the Government was pleased to nominate Shri Arecio D'Souza as the Chairman of the Goa State Pollution Control Board.

4. I state that the petitioner herein has made a representation to the Government, taking exception to the appointment of respondent no.1. I state that the said representation made by the petitioner herein, was examined by the Government in detail and upon examination of the same, the Government came to the conclusion that there is no substance in the complaint of the petitioner. In view of the fact that the respondent no.1 has the necessary qualifications, in the opinion of the Government he was fit to be appointed as Chairman of the State Pollution Control Board.

79

5. I state that the respondent no.1 has been a Teacher by profession, and has been teaching in Secondary Schools in higher classes, namely Standards VIII, IX and X. The respondent also possesses graduate and post-graduate qualifications as also a Degree in Education. I state that amongst the subjects taught by the respondent no.1 for the Standards VIII, IX and X, knowledge of environment, the environment component and processes, aspects of land, air, and water, biosphere, are all dealt with and required to be taught in the said subject. In addition to this, the respondent no.1 has also been teaching the human impact on the environment, the resources, matters relating to physical features, climate including flora, fauna, soils, land use, water resources, minerals and power resources as also the aspects dealing with agriculture and industries. I state that the Government also found, in addition to the aforesaid, that the respondent no.1 had been teaching matters such as lithosphere and land formation, the process of gradation, land and climate, soil and land use, matters relating to agriculture, water resources, ...

6. I state that the Government also found that the respondent no.1 had done his degree in Geography which deals with and teaches

81

the aspects of environment. I state that the Government had also considered the fact that the respondent no.1 was a Post-Graduate as also he had done his Degree in Education with Geography as the subject at the B.Ed. level. I state that considering all these facts, the decision of the State Government to arrive at the conclusion that the respondent no.1 possesses special knowledge in environment and that he has experience in teaching in institutions concerning subjects of environment, is fully justified. I further state that the Government upon consideration of the material has come to the conclusion that the respondent no.1 is qualified to be appointed as the Chairman of the State Pollution Control Board.

This is where the conclusion based on material exist

7. I state that I shall also deal with matters relating to subjects which have been demonstrated and taught by the respondent no.1. I state that the syllabus as also the subject books deal with inter-relationship impact between human activities and environment in different parts of the world and on different aspects of geography with special emphasis on environment, its components and processes, non-living environment and biological or living environment, the matters relating to atmosphere, the lithosphere, the hydrosphere, the biosphere and the urgent need of protecting

83

the environment from which man derives his food and other resources. I state that the entire syllabus which is taught by the respondent no.1 herein, specifically deals with an understanding of the processes which take place in the environment and necessary so that man's activities are reorganised in such a manner as not to interfere with the environment. The said syllabus further deals with the fact that man has to learn to live in perfect harmony with the physical and biological environment so that the earth continues to be habitable for future generations as well.

8. I further state that the syllabus also deals with realms of water and air, the longitudinal heat balance, temperature zones, diurnal and seasonal cycles, longitudes, winds, distribution of precipitation, climates, elements of weathers and climates, ~~facts affecting thereby~~, land and sea contrast, the matters relating to component of ecosystems including biotic components. I state that the said syllabus taught by the respondent no.1 also includes the major ecosystems of the earth including aquatic ecosystem and terrestrial ecosystem. I state that ~~indeed~~ the aquatic ecosystem is further detailed into fresh water, estuarine and marine ecosystem whereas the terrestrial ecosystem is classified on the basis of climatic condition. I

85

state that the said syllabus deals with global distribution of biomes as also matters relating to grasslands, animals, desert vegetation etc.

9. I state that a perusal of the said syllabus also shows that the respondent no.1 deals with matters relating to maps concerning environment made on linear scale on different divisions. I state that the said syllabus specifically includes matters relating to human impact on the environment including the matters relating to regional variations, human occupation, agriculture, resources, land, water, animal, forests, wild life, fisheries, mineral, mineral fuels etc. I state that the said syllabus also deals with human response to environment including natural environment, ~~mid-longitude~~, deserts, terrains, normal regions, cool regions, polar regions, etc.

10. I state that it is very important and pertinent to mention here that the said syllabus which is taught by the respondent no.1, also includes matters relating to air pollution, its causes, the effects, the matters relating to ozone layer in the stratosphere and also matters relating to gaseous effluents.

11. I state that there is also the further matter dealing with water pollution, its effect and the letting of effluents in rivers, matters

87

dealing with disposal of sewage, effects of pesticides, fertilisers, water ~~draining~~ and matters relating to enrichment of water.

12. I state that ~~Resp. no.1 also~~ taught matters relating to human impact on biosphere, matters relating to land degradation, depletion of resources, etc. In addition to the aforesaid, there are various other matters including matters relating to atmosphere, rainfall, condensation, biosphere, density, geology, ecosystem, etc.

13. In addition to the above, I state that the respondent no.1 specifically teaches matters relating to flora, fauna as well as mineral and power resources, etc. In addition to this, I state that the syllabus concerning the degree course in geography, deals with physical geography, pressure systems, applied geography including aspects relating to environment and man, the geographical components in problems relating to human society and their habitats, atmosphere, pressure systems, adaptations of plants and animals to physical and climatic environment, study of local soils and plants as also matters relating to the earth, local land forms, ground water, hydrological cycle, ~~dealing with~~ morphogenic regions, ~~wind work, river work~~, classification of shore lines, base level changes, and physical properties of sea water.

I state that ~~the~~ systematic geography which includes environment and other aspects relating to water and land, is specifically a part of the study at the degree level.

14. I state that considering all the aforesaid facts, it cannot be stated that the respondent no.1 does not have any special knowledge of matters relating to environment. I state that every person studies environment generally in the educational field. A person who teaches specifically the subjects relating to environment, is supposed to have and knows the matters relating to environment, thus having special knowledge of environment.

15. I state that the provisions of the Act do not require any specific qualifications for a person to be eligible for appointment as Chairman of the State Pollution Control Board. I state that the matters relating to environment and its awareness, have been an important aspect for the last few years. However, the said matters relating to environment were taught in educational institutions since several years. It is precisely for this reason that the Legislature, in its wisdom, has not imposed any particular or specific qualifications but has generally laid down guidelines for appointing a person to the post of Chairman.

91

16. I state that as far as the appointment of Member-Secretary is concerned, there are specifically laid down qualifications, which are absent in the case of the Chairman. I state that this is precisely for the reason that the provisions of section 4(2) of the Water (Prevention and Control of Pollution) Act, 1974 are in the nature of guidelines to be followed by the State Government, which is the appointing authority. In the present case, as is demonstrated hereinabove, the State Government even after the receipt of the complaint, has examined the matter and found that the respondent no.1 has the qualifications for being appointed to the post of Chairman of the State Pollution Control Board. I, therefore, state that there is no substance whatsoever in the grievance made by the petitioner as regards the qualifications of respondent no.1.

17. I say that as per the records, Goa State Pollution Control Board was reconstituted by Notification dated 21-7-1999 and the respondent no.1 was appointed as the Chairman. I say that the Goa State Pollution Control Board consists of altogether 13 members apart from the Chairman. I say that presently the Board consists of the following members:

1. Director, Department of Science, Technology & Environment. — Member

93

2.	Director of Panchayats	-do-
3.	Director of Health Services	-do-
4.	Chief Engineer, PWD	-do-
5.	Director of Industries & Mines	-do-
6.	Representative of Goa Chamber of Commerce & Industry.	-do-
7.	Representative of Goa Mineral Ore Exporters' Association	-do-
8.	Chairperson, Mormugao Municipal Council.	-do-
9.	Chairperson, Curchorem-Cacora Municipal Council.	-do-
10.	Sarpanch, Village Panchayat, Kundaim.	-do-
11.	Managing Director, Goa Tourism Development Corporation.	-do-
12.	Managing Director, Goa Industrial Development Corporation.	-do-
13.	Shri A. A. Parulekar	Member Secretary

18. I say that the respondent no.1 was appointed as the Chairman of the Board by Notification dated 21-7-1999. I say that at this relevant time, respondent no.1 was not the Minister in the Government of Goa. However, subsequently after formation of the new Government on 24.11.1999 the respondent no.1 has since become the Minister in the State Cabinet.

95

19. I say that the Government has appointed the respondent no.1 as Chairman of the Board considering his qualifications. I say that as per the records, the respondent no.1 is graduate in Arts (B.A.) with Geography and Economics; Post Graduate in Arts (M.A.) with History and B.Ed. with Geography and English. I say that the respondent no.1 has 26 years experience of teaching in high classes (Std. VIII, IX and X) the subjects pertaining to environment. I say that the geography subject syllabus for Std. VIII, IX and X includes various aspects of environment. I say that respondent no.1 was teaching this subject. I crave leave of this Hon'ble Court to refer to and rely upon the syllabus for Standards ~~Std.~~ VIII, IX and X prescribed by Goa Board of Secondary and Higher Secondary Education, Porvorim, Goa.

20. I say that section 4 of the Water (Prevention & Control of Pollution) Act, 1974 makes provision for appointment of the Chairman of the State Pollution Control Board. I say that section 4(2)(a) reads as under:

"2(a) A State Board shall consist of following members:

(a) A Chairman being a person having special knowledge or practical experience in respect matters relating to environmental protection; or a person having

97

knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government".

21. I say that as per the aforesaid provision, there is no specific prescribed qualifications for the person to be appointed as the Chairman of the Board and it is the State who has to nominate the person keeping the guidelines in section 4(2) of the said Act. I say that in the present case, the State has nominated the respondent no.1 as the Chairman of the Board.

22. With reference to the allegation made in the petition, I deny that the respondent no.1 does not have the necessary qualifications. I state that the writ of quo-warranto is not maintainable. I deny that after the elected Government was set up in June 1999, the then Chairman of the Board who was Government servant resigned from the post of Chairman to make way for the appointment of a politician to the post.

23. I say that after the receipt of the letter from the petitioner about qualification of the Chairman, the reply dated 20.10.1999 was sent to the petitioner. I deny that qualifications produced by the Joint Secretary in his letter do not meet the qualifications required for the appointment of the Chairman as per the

99

provisions of the Water Act, 1994. I deny that the provisions of Air Pollution Control Act, 1981 are also violated.

24. I deny that teaching students, under 15 years of age, subjects related to the environment does not qualify a person to be appointed as the Chairman of the Board. I deny that the respondent no.1 lacks any qualifications as alleged. The petitioner has made allegations without perusing the details in this regard.

25. I deny that the post of Chairman is used as a plum posting given as reward to the politicians for their personal benefit and for defecting from political parties. I say that purchase of Maruti Esteem is for the Chairman of the Board and not for the benefit of any individual. I do not admit that if the petition succeeds, then the present incumbent can be directed to return all the monies allegedly expended by the Board in the maintenance of the said vehicle.

26. I deny that including the respondent no.1 as the Minister in the Cabinet in November 1999 constitutes an additional ground for his removal as the Chairman or that his decision as Chairman will not be independent and free from Government influence. I

101

deny that there will be any conflict of interest. I deny that the Board will function as adjunct of the Government.

27. I do not admit that if the respondent no.1 is permitted to continue as Minister as well as the Chairman of the Board, then consent under the Air & Water ~~Air~~ Act, and NOCs will degenerate into acts of political expediency and protection of environment will be fully thrown to the winds.

28. I deny that the respondent no.1 is illegally appointed or that he is liable to be removed. I deny that any of the prayers in the petition can be granted. I pray that the petition be dismissed.

29. I say that whatever stated in paragraphs 1 to 28 is based on the records and information available with the respondent no.3 and I believe the same to be true.

Solemnly affirmed at Panaji)
this 31st day of Jan., 2000) Affiant

Identified by me:

Advocate

IN THE HIGH COURT OF BOMBAY AT PANAJI

Writ Petition No. 384/99

GOA FOUNDATION .... Petitioner

- V/s.

ARECIO D'SOUZA & ORS. .... Respondents

AFFIDAVIT-IN-REPLY ON BEHALF OF THE RESPONDENT NO.1.

I, Arecio D'Souza, major, married, Respondent No.1, residing at Cuncolim, Goa, do hereby solemnly affirm as under :

1. In continuation of my affidavit dated 29/01/2000, I say that I was co-opted as a Councillor of Cuncolim Municipal Council in the year 1988.

2. At that time, Cuncolim Industrial Estate was newly set up. Number of Industrial units, some of them generating air pollutants, were operating in the said estate.

3. As I had gathered special interest on the subjects pertaining to environmental protection, I continuously started drawing attention of general public to the pollution caused by the aforesaid industries, to see that they take steps to prevent the pollution.

4. I had contested the election in Cuncolim Constituency in the year 1994 and I was elected as a MLA.

5. I had drawn attention of the voters of my constituency to the issue of Control of Pollution for protecting the environment, making particular reference to Cuncolim Industrial Estate and I had said that I would see that laws of Environment Protection are made effective.

6. As a member of opposition, I had then raised before the House, the issue of pollution, hygiene etc. from time to time.

I raised the question on 15/12/1995 at zero hour and received the answer of the concerned Hon'ble Minister on the same day. I raised the following point :

"That general impression of the public is that all polluting industries have been dumped in the Cuncolim Industrial Estate. I am raising this query because I have read news item in Gomantak Times and Goa Today in that connection therefore, I hope that Industries Minister will inquire into it. Second thing is about safety measures and reason for the same is two months back one yo man of Cuncolim died in an accident. The indus 1 unit concerned is Pooja Ferrous Alloys and when I went to visit the same with the Inspector of Boilers and Safety Measures, we found that there were no Safety Measures at all. Wherein there was accident on account of Cylinder burst.... "

I also raised starred question No.521 dated 07/07/1995, S.Q. No.1600 dated 12/12/1995, S.Q. No.976 dated 07/08/1996 and S.Q. No.518 dated 23/07/1996 and I received the answer. Several

questions were raised interalia relating to air and water pollution.

Hereto annexed and marked as EXHIBIT R3 COLLY are the copy of the Speech delivered by me with the answers given by the concerned Minister and also copies of Starred question as mentioned above with the answers.

7. In view of my persistent queries, I was nominated as a presiding member from the opposition party in the assurance committee constituted by legislative assembly under the Chairmanship of a M.L.A. from the ruling party.

Hereto annexed and marked as EXHIBIT R4 is the copy of the Nomination of the members.

8. I say that consequent upon the action taken by me as above, the Pollution Control Board issued show cause notices to many units which were not providing Pollution Control Devices and after show cause notices, the industries were closed.

Hereto annexed and marked as EXHIBIT R5 COLLY are the copies of the show cause notices and closure notices issued for failure to comply with the show cause notices alongwith the directions issued to the industries.

9. As a member of the said Committee, our Committee visited Cuncolim Industrial Estate on 15/10/1997 and thereafter our Committee submitted the report. In company of the members I visited the following industries:

(i) M/s Kartik Alloy Pvt. Ltd;

(ii) M/s Pooja Ferro Alloys Ltd;

(iii) M/s Sunrise Zinc Industry Ltd.

During the visit to these industries I noticed that first two units have taken precautionary steps to avoid pollution. As far as the third unit namely Sun Rise Zinc Industries Unit was concerned, the Committee found that there was unbearable smell, and the Committee Members were to move out of the premises as there were breathing problem and irritation to the throat. The Committee Members opined that it is hazardous for the staff to work in such units.

Accordingly our Committee made a report extract of which is as follows:

" V) The Committee examined Assurance No.224 regarding polluting industries and decided to visit hazardous industries in Cuncolim Industrial Estate. The Committee accordingly on 15/10/1997 visited M/s Kartik Alloy Pvt. Ltd; M/s Pooja Ferro Alloys Ltd; M/s Sunrise Zinc Industry Ltd. with Joint Secretary Legislature and Functional Manager of Industries Department. "

.....

" Committee noticed that the first two units have taken precautionary steps to avoid pollution. As far as the third unit namely Sun Rise Zinc Industries Unit was concerned, the Committee found that there was unbearable smell and the Committee Members were to move out of the premises as there were breathing problem and irritation to the throat. The Committee Members opined that it is hazardous for the staff to work in such units."

Hereto annexed and marked as EXHIBIT R6 is the copy of the Committee Report alongwith the relevant part of the proceedings of Legislative Assembly. I crave leave to produce the relevant booklet of the proceedings of the legislative assembly containing the above proceedings as and when required by this Hon'ble Court.

10. After the inspection carried out, notice was issued to M/s. Sun Rise Zinc Industry Ltd and M/s. Kartik Alloy Pvt. Ltd.

Hereto annexed and marked as EXHIBIT R7 COLLY is the copy of the show cause notice and directions issued to M/s. Sun Rise Zinc Industry Ltd and also the copy of show cause notice and closure notice issued to M/s. Kartik Alloy Pvt. Ltd.

11. I had also, by letter dated 25/05/1998, written to Goa State Pollution Control Board, sought information as follows:

"1) Now many Industrial Units in Cuncolim have been given N.O.C. by your office. Name each unit and date when it was issued.

2) What norms do you follow by issuing N.O.C.

3) Whether you have any idea of the units which refused permission in other states.

4) What is the product they produce, give unit wise, what is the raw-material they use. Is there any possibility of smoke being spread in the air.

5) Measures each unit adopt to control pollution of the air.

6) Where do they dispose off their waste is there any possibility of ground water polluted.

7) Name the Iron/Zinc smelting units."

I wrote letter on 25/05/1998 to Industrial Development Corporation where I sought following information :

"1) What is the total number of Industrial Units, their names total investments that they made on each unit, loan given by the I.D.C. or E.D.C.

2) Name the Iron/Zinc smelting units whether they are likely to cause pollution in the area as they are giving out smoke.

3) Name the power guzzlers units. How much monthly power they consume, give unit wise. Whether they pay their power bills regularly. What is their outstanding amount.

4) Whether they obtained certificate from Goa Pollution Control Board.

5) What are the products each unit produce. What is the raw material they use. Where do they dispose of their waste.

6) Is there any likelihood of ground water pollution."

I have not received any reply from I.D.C. but I have received reply from the Member Secretary for State Pollution Control Board dated 09/06/1998.

Hereto annexed and marked as EXHIBIT R8 are the letters dated 25/05/1998 and the reply of the Member Secretary of the State Pollution Control Board dated 09/06/1998.

12. I could tackle the above issues in view of special knowledge I had acquired during my teaching carrier, as I had explained in para 13 of my affidavit dated 29/01/2000.

13. I say that the contents of para 11 and 12 are not relevant to the decision of the issue raised in petition. Similarly, the contents of para 14 are not relevant for the disposal of the petition.

14. I say that the contents of all the above paras except para 12 are true to my knowledge and the contents of para 12 is my submissions.

Solemnly affirmed at Panaji
on this 14th day of February, 2000. DEPONENT

Identified by :

Exb- R3 Colly

15 119

No.LA/D/ 391 /2000,
Government of Goa,
Goa Legislature Secretariat,
Panaji - Goa.

Dated: 7-2-2000.

To
The P.S. to the Hon.Minister
for Agriculture,
Office of the Minister for
Agriculture and Provedoria,
Government of Goa,
Secretariat,
Panaji - Goa.

Sir,

I am directed to refer to your letter No.MIN/AGRI/5/2000 dated 7-2-2000, and to enclose herewith certified copies of the speech made by Shri Arecio D'Souza, Hon.Minister for Agriculture on 15-12-1995 during zero hour and reply of the Hon.Minister for Industries in respect of Industrial Estate in Cuncolim, as also certified copies of S.Q.No.521 dated 7-7-1995, S.Q.No.1600 dated 12-12-1995, S.Q.No.976 dated 7-8-1996 and S.Q.No.518 dated 23-7-1996. You are requested to pay Rs.8/- as copying charges.

Yours faithfully,

L'Souza

(Leena de Souza)
Editor of Debates

Encl: As above.

१५/१२/१९९५

३.५५[२]

श्री आरेसिओ डिसोझा:- स्पीकर सर, इंडस्ट्रीज मिनीस्टरांचे

नदरेक हाडूंक दिवंक सोदता कि आमचे कुंकळी इंडस्ट्रीयल इस्टेटीसंबंधी लोकांचे जनरल इंम्प्रेशन जाल्ले आसा कि सगळ्यो पोल्यूटींग इंडस्ट्रीस थय डंप केल्यात म्हणून. दुबाव दिसता पुण हया दिसांनी आमची पेपरां, गोमंतक टायम्स, गोवा टूडे या मेगजीनांनी जायते आर्टीकल्स हाडलेले आसात हश्टो ज्यो थोडयो इंडस्ट्रीयल युनीट्स आयल्या ताचेवेल्यान हांव मागता इंडस्ट्रीस मिनीस्टरान ताचेर चौकशी करची. दूसरे थय सेफ्टी मेजर्स संबंधी किदयाक फाटल्या २ मयन्या पयली अेक तरनाटो कुंकळेचो तोपलेलो आसा अॅक्सीडेन्ट जावन आनी ती इंडस्ट्रीयल युनीट्स , पूजा फेरस अॅलॉयस, आनी बॉयलर्स अॅन्ड सेफ्टी मेजर्सची अेक इन्स्पेक्टर आनी त्याच बरोबर आगी पळोवपाक गेले ताचे थंय कायच सेफ्टी मेजर्स ना. तांतून अेक सीलीन्डर बस्ट जावन अॅक्सीडेन्ट जाला. दूसरे एम्प्लॉईमेन्ट आमचे लोकल युथांक कोणांक घेता ते तांका धोडे दिस बरे बगीन दवरतात आनी थोडया दिसांनी उज्याच्या भट्टेकडेन धाडटात, ताणी हि फॅक्टरी सोडून वचपाक जाय म्हणून. मागीर भायल्या मनशांक हाडता हाचेर इन्क्वायरी जावची.

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12/2000

Editor of Debates

Goa Legislature Secretariat

गोवा विधानसभा सचिवालय

Secretariat Complex

सचिवालय संकुल

TRANSLATED COPY

15/12/1995
3.55 (7)

Mr. Arecio D'Souza :- Speaker Sir, I am bringing to the notice of Industries Minister that general impression of the public is that all polluting industries have been dumped in the Cuncolim Industrial Estate. I am raising this query because I have read news item in Gomantak Times and Goa Today in that connection therefore, I hope that Industries Minister will inquire into it. Second thing is about safety measures and reason for the same is two months back one young man of Cuncolim died in an accident. The industrial unit concerned is Pooja Ferrous Alloys and When I went to visit the same with the Inspector of Boilers and Safety Measures, we found that there were no Safety Measures at all. Wherein there was accident on account of Cylinder burst. Secondly regarding the employment; the employers employ the local youth, for some days they treat them nicely and after some days they send them near the fire furnace, so that they may leave factory and go. And after this is done they get labour from outside. Hence inquiry should be conducted on this aspect.

SHRI LUIZINHO FALEIRO : Speaker Sir, hon. Member has made a point that most of the industrial estates especially in Cuncolim Industrial Estate are polluting. Now, I don't know how far it is true, but I have read on some newspapers and magazines about certain activities.

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Secretariat, Panaji-Goa.
सचिवालय, पणजी-गोवा.

15.12.95
4.05(1)

I have read on some newspapers and magazines about certain activities, I have just read it because it came very lately, most of these industries were cleared much, much earlier, not now, and I am sure they must have given certain guarantees regarding the pollution control. I am going to investigate into this and I will take necessary action in case there is really pollution. I would also like to request my colleague, the Hon. Minister for Environment, wherein the Pollution Control Board is there, please investigate because at the time of registering or granting permission certain undertakings are given. If they don't follow the undertakings you must take action, and you have mentioned some names and all that, I will take action, if necessary. As far as local employment, I had taken up this matter with the Association of the Industrialists. Their main grudge is that no local boys, no Goans would like to come and work in those industries because they are heavy industries wherein there is heavy physical exertion and our boys feel shy. Therefore, it requires lot of awareness, conciousness among our youth so that they take up the work. Otherwise, whatever had happened in Zuari will happen here in our own Industrial Estates, because I remember in Zuari, initially when Zuari started the bagging plant initially all the employment was given to the locals, specially from around the area, but within 4 days, these people left, because at that time the salary, the wages were very low and finally they had to bring the contract labour of Gian Pereira and Co. from Harbour at the rate of 7.50 rupees per day. Today these people are getting a consolidated figure of nearly 7,000/-

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Secretariat, Panaji-Goa.

15.12.95
4.05(2)

rupees per month. Our people, initially, they don't like to join and they complain that they are not getting the employment. So, since you are the representative of that area, I would like to request you to create conciousness and awareness among the youth who are really unemployed that they should take the employment and don't see the salary at this stage, gradually once the factory starts, the organisation, the Employees Union movement starts and their bargaining starts and then they get good wages and the Government is there to help them also.

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सचिवालय, पणजी-गोवा

131

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ECT: INDUSTRIAL UNITS IN CUNCOLIM INDUSTRIAL ESTATE
RED L.A.Q. NO. 521 TABLED BY SHRI ARECIO D'SOUZA , M.L.A.
COLIM) AND SHRI PRAKASH VELIP , M.L.A.(QUEPEM) TO BE ANSWERED
7/7/95.

QUESTION	ANSWER
l the Minister for Industries pleased to state;	by Shri Luizinho Faleiro Minister for Industries
number of Industrial units t have started functioning Cuncolim Industrial Estate;	1. Sir, six industrial units have started functioning in Cuncolim Industrial Estate.
many are due to start those have already got their rance from the Govt.;	2. 28 units have been allotted land/shed in Cuncolim Industrial Estate, excluding above dix units as on 31/5/95. (i) Five units have completed the construction & machinery being installed. It is expected that they would go in production soon. (ii) Three units of which construction is in progress. (iii) Twenty units are in the process of starting the construction work.
many new proposals are ing with the Govt.;	3. There are 25 parties to whom IDC have earmarked land/shed in Cuncolim Industrial Estate. These parties are likely to set up their units in the Estate.
her these units will give t job preference to the ls;	4. Undertaking is taken by HPCC from the medium & large scale units that the job reservations would be for local persons.
her these units are free pollution?	5. N.O.C's from the Goa State Pollution Control Board have been obtained.

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7/2/2000
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Goa Legislature Secretariat
Secretariat, Panaji-Goa

SUBJECT : POLLUTION IN THE RESIDENTIAL AREA AT COTTA CHANDOR.

Starred Question No. 1600 tabled by Shri Arecio D'Souza, MLA (Cuncolim), to be answered on 12.12.1995.

QUESTION	ANSWER
Will the Minister for Revenue be pleased to state :-	By Dr. Wilfred Mesquita, Minister for Revenue,
1. Whether the Government is aware that M/s Flora Foods and Flavours manufacturers at Cotta Chandor causes air and water pollution in the residential area;	No, Sir.
2. If so, what steps Government intends to take to stop the pollution in the interest of the residents around?	Does not arise.

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Secretariat, Panaji-Goa.
सचिवालय, पणजी-गोवा.

(A7)

SUBMISSION OF REPORT BY NATIONAL ENVIRONMENTAL RESEARCH INSTITUTE.

Starred Question No. 976 tabled by Shri Aleixo D'Souza, M.L.A. (Cuncolim) to be answered on 7-8-96.

QUESTION	ANSWER
Will the Chief Minister please state:	By Shri Pratapsingh R. Rane, Hon'ble Chief Minister
Whether it is a fact that the National Environmental Research Institute Nagpur, had submitted its report to give pure, potable drinking water from Salaulim to the people of South Goa;	Yes Sir.
If yes whether the Government has implemented the recommendations of the report;	Yes Sir, except construction of sedimentation tanks, treatment using potassium permanganate and drawal of water at higher level.
If not the reasons for not implementing the same?	Sir, following recommendations are not implemented for reasons given below:

Recommendations of NEERI	Reasons for Non-Compliance
Having 5 hours detention time before clarifloccu-lation.	This is not feasible as there is no sufficient place to construct high capacity sedimentation tanks in the existing locality (more than 30,000 cu.m. capacity) requiring 6000 sq.mts.
Treatment of raw water with potassium permanganate.	The perfect dosage of potassium permanganate is not practically possible. Exact dose of potassium permenganate is very essential as any error will have adverse effect.
Drawal of water at higher level. Top gate of the well will be made operational so that the water is drawn from higher level.	This is not possible at present due to enormous collapsed earth outside the wet well thereby making the gates at top level not operational. These rectification works cannot be done considering the present site conditions.

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Secretariat, Panaji-Goa.
सचिवालय, पणजी-गोवा

SUBJECT:- POLLUTION OF PETROLEUM COKE AT ST. JOSE DE AREAL.

Starred Question No. *518 tabled by Shri Arecio D'Souza, M.L.A. (Cuncolim), to be answered on 23/7/1996.

QUESTION

Will the Minister for Revenue be pleased to state:-

1. Whether the Government is aware of the fact that there is large scale pollution of Petroleum Coke at St. Jose de Areal from Goa Carbon company;

2. If yes, what steps Government has taken to control the same ?

ANSWER

By Dr. Wilfred M. Mesquita, Minister for Revenue.

Sir, the company has taken adequate measures to control pollution.

****

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Bouza
7/2/2000

Editor of Debates
Goa Legislature Secretariat
Secretariat, Panaji, Goa.

Exb - RH 35

No.45 139

LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

BULLETIN PART II

Monday, the 31st March, 1997/Caka 1919, Phalguna 10

No.45 The following Committees of the Goa Legislative Assembly and the Panel of Presiding Members have been nominated by the Hon'ble Speaker for the year 1997-98.

Sr.No.	Committee/Panel	Rule No.	Date of Nomination
1.	PANEL OF PRESIDING MEMBERS	11	31.3.1997

1) Shri Pandu Vasu Naik
2) Shri Digambar Kamat
3) Shri Surendra Sirsat
4) Shri Arecio D'Souza

2.	BUSINESS ADVISORY COMMITTEE	195	31.3.1997

Make the business wise?

1) Hon. Speaker - Chairman
2) Hon. Dy. Speaker
3) The Chief Minister
4) The Law Minister
5) The Leader of Opposition
6) Shri Shripad Naik

3.	RULES COMMITTEE	219	31.3.1997

Make the laws?

1) Hon. Speaker - Chairman
2) Hon. Dy. Speaker
3) The Law Minister
4) Shri Krishna Kuttikar
5) Shri Sadanand Malik
6) Shri Narahari Haldankar

4.	PUBLIC ACCOUNTS COMMITTEE	201	31.3.1997

does he make the accounts?

1) Shri Sadanand Malik - Chairman
2) Shri Antonio Gaonkar
3) Smt. Fatima D'Sa
4) Shri Pandu Vasu Naik
5) Shri Manohar Parrikar
6) Shri Manu Fernandes

5.	ESTIMATES COMMITTEE	203	31.3.1997

1) Shri Krishna Kuttikar - Chairman
2) Shri Pandurang Bhatale
3) Shri Aleixo Sequeira
4) Shri Jagdish Acharya
5) Shri Vishnu Prabhu
6) Shri Shripad Naik

...2/-

6.	COMMITTEE ON GOVERNMENT ASSURANCES	205	31.3.

1) Shri Antonio Gauncar - Chairman
2) Shri Pandu Vasu Naik
3) Shri Pandurang Bhatale
4) Shri Digambar Kamat
5) Shri Shivdas Verekar
6) Shri Arecio D'Souza

7.	COMMITTEE ON PETITIONS	206	31.3.199

1) Shri Aleixo Sequeira - Chairman
2) Shri Jagdish Acharya
3) Smt. Shashikala Kakodkar
4) Shri Shivdas Verekar
5) Shri Manohar Parrikar
6) Shri Manu Fernandes

8.	COMMITTEE ON DELEGATED LEGISLATION	216	31.3.199

1) Shri Surendra Sirsat - Chairman
2) Shri Antonio Gauncar
3) Smt. Victoria Fernandes
4) Shri Pandu Vasu Naik
5) Shri Parshuram Kotkar
6) Shri Joaquim Alemao

9.	COMMITTEE ON PRIVILEGES	232	31.3.199

1) Hon. Dy. Speaker - Chairman
2) Shri Aleixo Sequeira
3) Shri Krishna Kuttikar
4) Shri Prakash Velip
5) Shri Vishnu Prabhu
6) Shri Arecio D'Souza

10.	LIBRARY COMMITTEE	239	31.3.1997

1) Shri Shripad Naik - Chairman
2) Smt. Victoria Fernandes
3) Shri Parshuram Kotkar
4) Shri Prakash Velip

11.	COMMITTEE ON PUBLIC UNDERTAKINGS	241	31.3.1997

1) Shri John Manuel Vaz - Chairman
2) Smt. Fatima D'Sa
3) Shri Pandurang Bhatale
4) Shri Antonio Gauncar
5) Smt. Shashikala Kakodkar
6) Shri Digambar Kamat

31.3.1997

12. BUDGET COMMITTEE 171

1) Smt. Fatima D'Sa -Chairperson
2) Shri Jagdish Acharya
3) Shri John Manuel Vaz
4) Shri Surendra Sirsat
5) Shri Narahari Haldankar
6) Shri Joaquim Alemao

ASSEMBLY HALL

PANAJI - GOA

31ST MARCH, 1997

ASHOK B. ULMAN
SECRETARY

To:
All the Members of the Legislative Assembly of Goa (including Ministers)

Copy to:

1. The Chief Secretary
2. The Development Commissioner
3. The Secretary to Governor
4. All the Secretaries to Government
5. P.S. to all Ministers
6. P.S. to Speaker/Dy. Speaker
7. Inspector General of Police, Panaji
8. All the Departments of Secretariat
9. Jt. Director of Audit (Central) R.A.O., Panaji
10. Editor of Debates
11. Security Officer
12. Director of Accounts, Panaji.

SHOW CAUSE NOTICE

WHEREAS the Govt. of Goa has constituted the State Pollution Control Board on 1/7/88 as per Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and as per Section 4 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

WHEREAS Section 4 of the Air(Prevention and Control of Pollution) Act, 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the air (Prevention and Control of Pollution) Act, 1981.

WHEREAS the Govt. of Goa vide Notification No.14/1/85-STE has declared the entire State of Goa as Air Pollution Control Area.

WHEREAS you are required as per the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 to obtain the consent of the State Board to operate any industrial plant (in any air pollution control area) in the State of Goa.

SRTO 7/7/97

....contd....2/-

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WHEREAS it has come to the notice of the Board that you are operating your industrial plant without obtaining the consent as required under Section 21 of the Air (Prevention and Control of Pollution) Act,1981.

NOW Therefore, I hereby call upon you to show cause if any within 15 days of the receipt of this notice as to why legal action as contemplated in the provisions of the said act, should not be initiated against you without further notice.

(MEMBER SECRETARY)
FOR GOA STATE POLLUTION CONTROL BOARD

To,
M/s. Balaji Rollings Pvt. Ltd,
Cuncolim Industrial Estate,
Cuncolim-Goa

43 (47

WHEREAS it has come to the notice of the Board that you are operating your industrial plant without obtaining the consent as required under Section 21 of the Air (Prevention and Control of Pollution) Act,1981.

NOW Therefore, I hereby call upon you to show cause if any within 15 days of the receipt of this notice as to why legal action as contemplated in the provisions of the said act, should not be initiated against you without further notice.

(MEMBER SECRETARY)
FOR GOA STATE POLLUTION CONTROL BOARD

To,
M/s. Balaji Rollings Pvt. Ltd,
Cuncolim Industrial Estate,
Cuncolim-Goa

गोंय राज्य प्रदुशण नियंत्रण मंडळ
GOA STATE POLLUTION CONTROL BOARD

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149

REGISTERED A.D.

No. 5/750/96-PCB/ 826 9/9/97

CLOSURE NOTICE

Whereas the Govt. of Goa has constituted the State Pollution Control Board on 7/1/88 as per Section 4 of the Water (Prevention and Control of Pollution) Act 1974 as amended and also the State Board under Section 4 of the Air (Prevention and Control of Pollution) Act, 1981.

Whereas Section 4 of the Air (Prevention and Control of Pollution)Act, 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the Air (Prevention and Control of Pollution) Act 1981.

Whereas a Show Cause Notice was issued to you by this Board vide No. 1/25/96-PCB/452 dated 4/7/97 as per Section 21 of the Air (Prevention and Control of Pollution) Act 1981 for operating your industrial unit without obtaining valid consent of this Board.

Whereas it has been noticed that you have failed to comply with the Show Cause Notice and still operating

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२४३, पाटो, पणजी ४०३००१ गोंय. / 243, Patto, Panaji 403 001 Goa.
Phone nos. 91-832-227974, 232684, 232740, 230708 Fax no. : 91-832-232740 E-Mail - goa poll @ goa-nic. in

your industrial unit without obtaining valid consent under Section 21 of the Air (Prevention and Control of Pollution) Act 1981.

Whereas it has been noticed that you are causing Air pollution in the vicinity by not providing any Air pollution control devices.

In the light of the above facts and in exercise of the powers, conferred under Section 31(A) of the Air (Prevention and Control of Pollution) Act 1981 as amended, it is decided to issue directions for closure of your industrial plant with effect from 23/09/97.

Now therefore, it is hereby directed that the industrial unit of M/s Balaji Rolling Pvt. Ltd., situated at Cuncolim Industrial Estate Cuncolim Goa run by you shall be closed with effect from 23/09/97.

Complaince report may be submitted to the Board on 23/9/97.

Member Secretary
GOA STATE POLLUTION CONTROL BOARD

To,
M/s Balaji Rolling Pvt. Ltd.,
Cuncolim Industrial Estate,
Cuncolim Goa.

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Rosd. PP-

1/25/96-PCB/516 15/7/97

SHOW CAUSE NOTICE

WHEREAS the Govt. of Goa has constituted the State Pollution Control Board on 1/7/88 as per section 4 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and as per Section 4 of the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS Section 4 of the Air (Prevention and Control of Pollution) Act, 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS the Govt. of Goa vide Notification No. 14/1/88-STE has declared the entire State of Goa as Air Pollution Control Area.

....contd....2/-

15/7/97

WHEREAS you have disregarded the conditions laid down in the consent order issued by the Board and not taken any measures to control the Air pollution caused due to the operation of your industrial unit.

NOW, THEREFORE, I hereby call upon you to Show Cause if any, within 15 days of the receipt of this notice, as to why legal action as contemplated in the provisions of the said act should be initiated against you without further notice.

(MEMBER SECRETARY)
FOR GOA STATE POLLUTION CONTROL BOARD

To,
M/s.Tirupati Steels Pvt.Ltd,
Cuncolim Industrial Estate,
Cuncolim-Goa

157

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Resd.Adv-

No.6/97/95-PCB/ 1625

19/2/98

DIRECTIVES UNDER SECTION 31(a) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Whereas a closure notice was issued vide this office order No.6/97/95-PCB/821 dated 9-9-97 to M/s. Tirupati Steel Pvt. Ltd. situated at Plot No.L-1, Cuncolim Industrial Estate, Cuncolim Goa for disregarding consent conditions and operating without providing air pollution control devices thereby causing pollution in the vicinity.

Whereas an offence under the Air (Prevention and Control of Pollution) Act, 1981 is being committed by M/s. Tirupati Steel Pvt. Ltd. situated at Plot No.L-1, Cuncolim Industrial Estate, Cuncolim Goa.

Whereas M/s. Tirupati Steel Pvt. Ltd. is operating the industrial unit for manufacturing Steel Ingots without providing air pollution control devices necessary for preventing and controlling the pollution in the vicinity.

Whereas M/s. Tirupati Steel Pvt. Ltd. vide their letter dated 25-10-97 had requested for some time to install the air pollution control equipments within the factory premises.

Whereas upon inspection of the said industrial unit by this Boards official on 13th February, 1998, it has been

cont -2

ISSUED
19/2/98

noticed that the air pollution control equipments are still to be commissioned inspite of the time granted to the said unit thereby continuing to cause air pollution in the vicinity.

Whereas it has also been noticed that the slag from the industry is being dumped outside the factory premises. Thereby causing nuisance and health hazards.

In pursuance of powers vested under section 31(a) of the Air (Prevention and Control of Pollution) Act, 1981, you are directed to disconnect the electricity supply to this industrial unit immediately. Failure to comply with the provisions of section 21 (a) is punishable under section 37(1) of the Air (Prevention and Control of Pollution) Act, 1981.

Compliance report may be submitted to this Board on 7-3-98.

(Member Secretary)
For GOA STATE POLLUTION CONTROL BOARD

To,
Shri T. Nagarajan,
Chief Engineer,
Electricity Department,
Government of Goa,
Vidyut Bhawan,
Panaji Goa.

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No: 6/97/95-PCB/1732 Date: 6/3/98

To,
The Chief Engineer
Electricity Department
Vidyut Bhawan
Panaji-Goa.

Sub: Releasing of Electricity supply to M/s. Tirupati Steel Pvt. Ltd. located at L-1 Cuncolim Industrial Estate, Cuncolim-Goa.

Ref: Your letter No.150/1/CEE/TECH/4428 dt. 2/3/98.

Sir,

Under Section 31 (A) (b) of the Air (Prevention and Control of Pollution) Act, 1981, Goa State Pollution Control Board has issued directions vide letter No.6/97/95-PCB/1625 dated 19/2/98 for stoppage of electricity to the Industrial unit of M/s. Tirupati Steel Pvt. Ltd. located at L-1 Cuncolim Industrial Estate, Cuncolim Goa, for non-compliance of section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

ISSUED
6/3/98

Rec'd
6/3/98

Whereas the industrial unit was inspected by the officials of this Board on 5/3/98 and found that the installation of the air pollution control equipments has been carried out as per the requirements of the Act. Hence the unit requires the electricity supply for testing theeequipments of controlling the pollution.

The industrial unit has since complied with the provisions of the Air (Prevention and Control of Poblution) Act, 1981. This Board has no objection for the release of electric supply by your department to M/s. Tirupati Steel Pvt. Ltd. located at L-1 Cuncolim Industrial Estate, Cuncolim Goa.

(H.R. Kulkarni)
Member Secretary

c.c. to:

To,
M/s. Tirupati Steel Pvt. Ltd.,
L-1 Cuncolim Industrial Estate,
Cuncolim-Goa.

ad/-

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Resd AP.

1/25/96-PCB/517

15/7/97

SHOW CAUSE NOTICE

WHEREAS the Govt. of Goa has constituted the State Pollution Control Board on 1/7/88 as per section 4 of the Water (Prevention and Control of Pollution) Act,1974 as amended and as per section 4 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

WHEREAS section 4 of the Air (Prevention and Control of Pollution) Act, 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the Air (Prevention and Control of Pollution) Act, 1981.

WHEREAS the Govt. of Goa vide Notification No. 14/1/88-STE has declared the entire State of Goa as Air Pollution Control Area.

WHEREAS you were issued consent by this Board vide order No.Air/148/96 dated 16/8/96.

WHEREAS you have disregarded the conditions laid down in the consent order issued by the Board and not taken any measures to control the Air Pollution caused due to the operation of your industrial unit.

15/7/97

....contd....2/-

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NOW THEREFORE, I hereby call upon you to Show Cause if if any, within 15 days of the receipt of this notice, as to why legal action as contemplated in the provisions of the said Act should be initiated against you without further notice.

(MEMBER SECRETARY)
FOR GOA STATE POLLUTION CONTROL BOARD

To,
M/s.Raj &Ash Alloys Pvt. Ltd.
Cuncolim Industrial Estate.
Cuncolim-Goa

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गोंय राज्य प्रदुशण नियंत्रण मंडळ
GOA STATE POLLUTION CONTROL BOARD

Registered A.D

No. 6/142/96-PCB/ 816 8/9/97

CLOSURE NOTICE

Whereas the Government of Goa has constituted the State Pollution Control Board on 7/1/1988 as per section 4 of the Water (Prevention and Control of Pollution) Act 1974 as amended and also State Board under section 4 of the Air (Prevention and Control of Pollution) Act 1981.

Whereas you have disregarded the conditions laid down in the consent order issued by the Board and not taken any measures to control the air pollution caused due to the operation of your industrial unit.

Whereas a Show Cause Notice was issued to you by this Board vide letter no. 1/25/96-PCB/517 dated 15/7/97 for operating your industrial unit without providing air pollution control devices.

Whereas you have failed to provide any explanation within the prescribed limit of 15 days and also not taken any measures to control the Air pollution caused by you. In light of the above facts and in exercise of the powers conferred under section 31(A) of the Air (Prevention and Control of Pollution) Act 1981 as amended, it is decided to issue directions for closure of your industrial unit with effect from 22/09/97.

Now therefore it is hereby directed that the industrial unit of M/s Raj and Yash Alloys Pvt. Ltd. for the manufacture/production of mild steel ingots located at plot no. L-17, Cuncolim Industrial Estate, Cuncolim, Goa run by you shall be closed with effect from 22/09/97. Compliance report may be sent to this Board on 23/09/97

Member Secretary
For Goa State Pollution Control Board

To,
M/s Raj and Yash Alloys Pvt. Ltd.
L-17, Cuncolim Industrial Estate
Cuncolim, Salcete-Goa.

२८३, पाटो, पणजी ४०३००१ गोंय. / 243, Patto, Panaji 403 001 Goa.
Phone nos. 91-832-227974, 232684, 232740, 230708 Fax no. : 91-832-232740 E-Mail - goa poll @ goa-nic. in

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गोंय राज्य प्रदुशण नियंत्रण मंडळ
GOA STATE POLLUTION CONTROL BOARD
Registered A.D

No. 6/109/96-PCB/ 815

8/9/97

SHOW CAUSE NOTICE

Whereas the Government of Goa has constituted the State Pollution Control Board on 7/1/1988 as per section 4 of the Water (Prevention and Control of Pollution) Act 1974.

Whereas section 4 of the Air (Prevention and Control of Pollution) Act 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the Air (Prevention and Control of Pollution) Act 1981.

Whereas Government of Goa vide notification no. 14/1/88-STE has declared the entire State of Goa as Air Pollution Control area.

Whereas you have disregarded the conditions laid down in the consent order issued by the Board vide no. Air/117/96 dated 10/1/96 and not taken any measures to control the air pollution caused due to the operation of your industrial unit.

Whereas you have failed to provide any air pollution control devices in your industrial unitthereby causing air pollution.

Now therefore I call upon you to show cause if any, within 15 days of the receipt of this notice, as to why legal action as contemplated in the provisions of the said Act should not be initiated against you without further notice.

Member Secretary
For Goa State Pollution Control Board

To,
M/s G.R. Ispat Ltd.
L-16, Cuncolim Industrial Estate
Cuncolim, Salcete-Goa.

२४३, पात्रो, पणजी ४०३००१ गोंय. / 243, Patto, Panaji 403 001 Goa.
Phone nos. 91-832-227974, 232684, 232740, 230708 Fax no. : 91-832-232740 E-Mail - goa poll @ goa-nic. in

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6/109/96-PBB/ 940 30/9/97

CLOSURE NOTICE

Whereas the Govt. of Goa has constituted the State Pollution Control Board as per section 4 of the Water (Prevention and Control of Pollution) Act, 1981 as amended.

Whereas section 4 of the Air (Prevention and Control of Pollution) Act, 1981 empowers the State Board constituted under the said Act to perform the powers and functions of the State Board.

Whereas a show cause notice was issued to you by this Board vide No. 6/109/96-PCB/815 dated 8/09/97.

Whereas upon scrutinising your reply to the show cause notice vide No. GRIL-97-98/09/301 dated 12/9/91it is clear that you have not provided any air pollution control devices till date, thereby causing air pollution due to the emission of gaseous pollutants into the air.

Whereas this closure notice is issued to you as per section 31(A) of the Air (prevention and Control of Pollution) Act, 1981.

(SD)

1/10/97

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In light of the above facts and in exercise of powers conferred under section 31(A) of Air Act as amended it is hereby directed that the industrial unit of M/s. G.R. Ispat Pvt. Ltd. located at plot No. L-16 Cuncolim Industrial Estate, Cuncolim Goa run by you shall be closed with effect from 15/10/97.

Compliance report may be sent to the Board on 15/10/97.

Member Secretary
GOA STATE POLLUTION CONTROL BOARD

To,
M/s. G.R. Ispat LTd.
L-16 Cuncolim Industrial Estate,
Cuncolim Salcette Goa.

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REGISTERED A.D.

No 5/785/97-PCB/ 824 9/9/97

SHOW CAUSE NOTICE

Whereas the Government of Goa have constituted the State Pollution Control Board as per Section 4 of the Water (Prevention and Control of Pollution)Act 1974 as amended in 1988 and as per Section 4 of the Air (Prevention and Control of Pollution) Act 1981.

Whereas Section 4 of the Air (Prevention and Control of Pollution) Act 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the Act.

Whereas the Govt. of Goa vide Gazette Notification No. 14/1/88dated 2/1/92 declared the whole State of Goa as Air Pollution Control Area.

Whereas you are required as per the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act 1981 to obtain the consent of the State Board to operate any industrial plant in any Air Pollution Control Area.

Whereas it has come to the notice of the Board that you are operating your industrial plant without obtaining the consent as required under Section 21 of the Air (Prevention and Control of Pollution) Act 1981.

Whereas it has also been noticed that you have failed to provide any Air pollution control devices thereby causing Air pollution in the vicinity.

Whereas this Show Cause Notice is issued to you as per Section 21 of the Air (Prevention and Control of Pollution) Act 1981 for operating without valid consent.

Now, therefore, I hereby call upon you to Show Cause, if any, within 15 days of the receipt of this notice, as to why legal action as contemplated under the said Act should not be initiated against you without further notice.

Member Secretary
GOA STATE POLLUTION CONTROL BOARD

To,
M/s Mandovi Steel & Rolling Pvt. Ltd.
Plot No. M-2
Cuncolim Industrial Estate
Cuncolim Goa.

9/9/97

Rcsd. AR

71 178

No.5/785/97-PCB/1623

19/2/98

CLOSURE NOTICE UNDER SECTION 31(A) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Whereas the Government of Goa has constituted the State Pollution Control Board as per section 4 of the Water (Prevention and Control of Pollution) Act, 1974 as amended and as per section 4 of the Air (Prevention and Control of Pollution) Act, 1981 as amended.

Whereas section 4 of the Air (Prevention and Control of Pollution) Act, 1981 empowers the State Board constituted under the said Act to perform the power and functions of the state Board.

Whereas a show cause notice was issued to you by this Board vide No.5/785/97-PCB/824 dated 9-9-97.

Whereas your application for consent to operate under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 have been refused for not providing air pollution control equipment vide this Boards letter dated 11-11-97 and inspite of the refusal you are continuing to oper te your industrial unit without obtaining valid consent of this Board as required under the said Act.

Whereas upon scrutinising your reply to this Board

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dated 12-11-96 and upon inspection of your industrial unit on 13/2/98 it has been observed that till date you have not provided pollution control devices for controlling and preventing the air pollution caused due to the operation of your industrial unit.

Whereas this closure notice is issued to you as per section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981.

In the light of the above facts and in exercises of the powers conferred under section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 as amended it is hereby directed that the industrial unit of M/s. Mandovi Steel and Rollings Pvt. Ltd. located at Plot No.M-2, Cuncolim Industrial Estate, Cuncolim Goa run by you shall be closed with effect from 7-3-98.

Compliance report may be submitted to this Board on 7-3-98.

(Member Secretary)
For GOA STATE POLLUTION CONTROL BOARD

To,
M/s. Mandovi Steel & Rolling Pvt. Ltd.,
Cuncolim Industrial Estate,
Cuncolim Goa.

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No.5/785/97-PCB/C3 C1/4/98.

DIRECTIVES UNDER SECTION 31(a) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Whereas a closure notice was issued vide this office order No.5/785/97-PCB/1623 dated 19/2/98 to M/s MANDOVI Steel & Rolling Pvt. Ltd. situated at Plot No.M-2, Cuncolim Industrial Estate, Cuncolim Goa, for operating without obtaining valid consent of this Board as required under section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

Whereas an offence under the Air (Prevention and Control of Pollution) Act, 1981 is being committed by M/s MANDOVI Steel & Rolling Pvt. Ltd. situated at Plot No.M-2, Cuncolim Industrial Estate, Cuncolim Goa.

Whereas M/s MANDOVI Steel & Rolling Pvt. Ltd. is operating the industrial unit for manufacturing M.S. ingots and hot steel without obtining valid consent of this Board.

In pursuance of power vested under section 31(a) of the Air (Prevention and Control of Pollution) Act, 1981 you are directed to disconnect the electricity supply to this Industrial unit immediately. Failure to comply with the

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provisions of section 31(a) is punishable under section 37(1) of the Air (Prevention and Control of Pollution) Act, 1981.

Compliance report may be submitted to the Board by 13/4/98.

(Member Secretary)
For GOA STATE POLLUTION CONTROL BOARD

To,
Shri. T. Nagarajen,
Chief Engineer,
Electricity Department,
Government of Goa,
Vidyut Bhawan,
Panaji Goa.

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No.5/785/97-PCB/ 130 24 /4/98

To,
The Chief Engineer,
Electricity Department,
Vidyut Bhawan,
Panaji Goa.

Sub: Releasing of electricity supply to M/s Mandovi Steel and Rollings Pvt. Ltd. located at Plot No.M-2, Cuncolim Industrial Estate, Cuncolim Goa.

Ref: Your letter No. 150/1/CEE/TECH/117 dated 14/4/98.

Sir,

Under section 31 (A) (b) of the Air (Prevention & Control of Pollution) Act, 1981, Goa State Pollution Control Board had issued directions vide letter No.5/785/97-PCB/03 dated 1/04/98 for stoppage of electricity to the industrial unit of M/s Mandovi Steel and Rollings Pvt Ltd., located at Plot No.M-2, Cuncolim Industrial Estate, Cuncolim Goa for non compliance of section 21 of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas the industrial unit was inspected by the officials of this Board on 23/4/98 and found that the installation of the Air pollution control equipment has been carried out as per the requirements of the Act. Hence, the unit requires electricity supply for testing the equipments installed controlling air pollution.

ISSUED
24/4/98

.... 2/-

The industrial unit has since complied with the provisions of the Air (Prevention and Control of Pollution) Act, 1981. This Board has no objection for the release of electric supply by your department to M/s Mandovi Steel and Rollings Pvt. Ltd. located at Plot No.M-2, Cuncolim Industrial Estate, Cuncolim Goa.

Yours faithfully,

(H.R. Kulkarni)
Member Secretary

C.C. to: M/s Mandovi Steel & Rollings Pvt. Ltd.,
Plot No.M-2,
Cuncolim Industrial Estate,
Cuncolim Goa.

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Registered A.D.

No.5/635/96-PCB/ 848

15/9/97
16/9/97

SHOW CAUSE NOTICE

Whereas the Govt. of Goa has constituted the State Pollution Control Board on 1/7/88 as per Section 4 of the Water(Prevention and Control of Pollution) Act, 1974 as amended and as per Section 4 of the Air (Prevention and Control of Pollution)Act, 1981 as amended.

Whereas Section 4 of the Air (Prevention and Control if Pollution) Act, 1981 empowers the State Board constituted under the Act to perform the powers and functions of the State Board under the Air (Prevention and Control of Pollution) Act,1981.

Whereas the Govt. of Goa vide Notification No. 14-1-88-STE dated 2nd January, 1992 has declared the entire State of Goa as Air Pollution Control Area.

Whereas you are required as per the provisions of Section 21 of the Air (Prevention and Control of Pollution) Act,1981 to obtain the consent of the State Board before putting into operation your Industrial Unit for the manufacture of M.S ingots.

Whereas your industrial unit was inspected on 11th September, 1997, wherein the manufacture of M.S ingots was in progress in contravention of the provisions of Section 21 of the Air(Prevention and Control Of Pollution) Act, 1981.

Whereas you have intimated by your letter No. 349 dated 13th November, 1996 of your proposal to install Venturi Scrubber System for controlling the emissions from the melting furnace.

Whereas the emissions control equipment namely Venturi Scrubber System, etc is not provided by you so far.

Now, therefore, I hereby call upon you to Show Cause if any within 15 days of the receipt of this notice as to why legal action as contemplated in the provisions of the said act should not be initiated against you without further notice. Kindly acknowledge the receipt of this Show Cause Notice.

Member Secretary
Goa State Pollution Control Board

To,
M/s Mandovi, Ispat Pvt. Ltd.,
M -1, Cuncolim Industrial Estate,
Cuncolim, Salcete - Goa.

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1/25-/96-PCB/941

30/9/97

CLOSURE NOTICE

Whereas the Govt. of Goa has constituted the State Pollution Control Board as per section 4 of the Water (Prevention and Control of Pollution) Act, 1981 as amended.

Whereas section 4 of the Air (Prevention and Control of Pollution)Act, 1981 empower the State Board constituted under the said Act to perform the power and functions of the State Board.

Whereas a show cause notice was issued to you by this Board vide No. 5/635-96-PCB/848 dated 15/9/97.

Whereas upon scrutinising your reply to the show cause notice dated 22/9/97. It is clear that you are still operating your industrial unit without providing air pollution control devices, thereby causing air pollution in the vicinity which is an offence under the Air Act.

Whereas this closure notice is issued to you as per section 31(A) of the Air(Prevention and Control of Pollution) Act 1981.

1/10/97

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In the light of the above facts and in exercises of powers conferred under section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 as amended it is hereby directed that the industrial unit of M/s. Mandovi Ispat Pvt. Ltd. located at plot No. M-1 Cuncolim Industrial Estate, Cuncolim Goa run by you shall be closed with effect from 20/10/97.

Compliance report may be submitted to this Board on 20/10/97.

Member Secretary
GOA STATE POLLUTION CONTROL BOARD

To,
M/s. Mandovi Ispat Pvt. Ltd.,
Plot No. M-1
Cuncolim Industrial Estate,
Cuncolim Goa.

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Rcsd. A.P.

No.1/25/96-PCB/ 616 19 /2/98

DIRECTIVES UNDER SECTION 31(a) OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

Whereas a closure notice was issued vide this office order No.1/25/96-PCB/941 dated 30-9-97 to M/s. Mandovi Ispat Pvt. Ltd. located at Plot No.M-1 Cuncolim Industrial Estate, Cuncolim Goa for operating the industrial unit without providing air pollution control devices thereby causing pollution in the vicinity.

Whereas an offence under the Air (Prevention and Control of Pollution) Act, 1981 is being committed by M/s. Mandovi Ispat Pvt. Ltd. situated at Plot No.M-1 Cuncolim Industrial Estate, Cuncolim Goa.

Whereas M/s. Mandovi Ispat Pvt. Ltd. is operating the industrial unit for manufacturing of steel bars, angles, flats etc. without obtaining valid consent of this Board as required under section 21 of the Air (Prevention and Control of Pollution) Act, 1981.

Whereas closure notice was issued to M/s. Mandovi Ispat Pvt. Ltd. vide No.1/25/96-PCB/941 dated 30-9-97 for operating without providing air pollution control devices.

Whereas the said unit vide their letter No.14/11/97

cont -2

19/2/98

requested this Board for two months time for providing air pollution control devices to prevent the pollution caused in the vicinity.

Whereas the industrial unit was inspected by the Board officials on 13th February, 1998 and noticed that the industrial unit has not installed air pollution controlled devices inspite of giving sufficient time.

In pursuance of powers vested under section 31(a) of the Air (Pregention and Control of Pollution) Act, 1981, you are directed to disconnect the electricity supply to this industrial unit immediately. Failure to comply with the provision of section 31(a) is punishable under section 37(1) of the Air (Prevention and Control of Pollution) Act, 1981.

Compliance report may be sent to this Board by 7-3-98.

(Member Secretary)
For GOA STATE POLLUTION CONTROL BOARD

To,
Shri T. Nagarajan,
Chief Engineer,
Electricity Department,
Government of Goa,
Vidyut Bhawan,
Panaji Goa.

Exb-R6 89 197

Committee on Government Assurance

FORTIETH REPORT

1997 - 98

Presented to Goa Legislative Assembly on 26th March, 1998.

GOA LEGISLATURE SECRETARIAT

PANAJI — GOA

MARCH, 1998

COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCE

(1997-98)

CHAIRMAN

Shri. Antonio Gaonkar

MEMBERS

1. Shri Pandu Vassu Naik
2. Shri Pandurang Bhatale
3. Shri Shivdas Verenkar
4. Shri Digambar Kamat
5. Shri Arecio D'Souza

SECRETARIAT

1. Shri Ashok B. Ulman, Secretary
2. Shri P. N. Rivankar, Joint Secretary
3. Shri J. N. Braganza, Research Officer
4. Shri S. A. S. Verenkar, Sr. Assistant

I, the Chairman of Committee on Government Assurances having been authorised by the Committee to present on its behalf, present this report of the Committee.

The Committee was nominated by Hon'ble Speaker on 31st March, 1997 in pursuance of Rule 205 of the Rules of Procedure and Conduct of the Goa legislative Assembly.

The assurances are pertaining to the Second & Third Session 1995, of the Goa Legislative Assembly. The assurances on approval by the Committee was forwarded to the concerned Government Department for implementation/action taken. The replies received from the Government Departments on these assurances were examined by the Committee and made suggestions/ Comments thereon. The Committee awaits further action on the recommendations made by the Committee in the Report.

The Committee wishes to express its thanks to the Secretary Revenue, Secretary Education, Secretary Industries, Secretary Finance, SecretaryTransport, Secretary Urban Development for their cooperation in the deliberation of the Committee.

The Committee desires to place on record with thanks its appreciation of assistance given by Secretary Legislature, Shri. P. N. Rivankar, Joint Secretary Legislature, Shri. J. N. Braganza Research Officer/and the staff of Legislature Secretariat in the deliberation of the Committee and finalization of this report.

This report was considered and approved by the Committee in its meeting held on 16th February, 1998.

ASSEMBLY HALL
PANAJI-GOA

ANTONIO GAONKAR
Chairman

Committee on Government Assurances

Dated: 16th, February, 1998.

PART I

The Committee examined Secretary Revenue on assurance No. 78 regarding inventory of uncultivated agricultural land. The Secretary Revenue informed the Committee that Section 36 of Goa Agricultural Tenancy Act 1964 still survive as the land acquired by Tenancy Act cannot be converted other than the purpose for which the ownership of the land is passed on to the tenant. It was also pointed out that instructions were given to the Collectors to identify in each district where such land is not cultivated and to make the list of survey numbers and than initiate steps if they do not bring the land under cultivation. The Collector has also asked to provide information by using Government machinery such as Talathis and Panchayat Secretaries etc., so also surveyors to undertake this job. It was also informed by Revenue Secretary that a target has been given to the officers and they have to submit the reports of such land to the Government.

The Committee would like to know the details of the Report on the subject.

The Committee examined Secretary Education on assurance no. 68 and 69 regarding N.C.E.R.T. Books and he informed the Committee that the books are independent of the number of subject taught because each subject have separate books except on Regional language for instance, Konkani, there is no N.C.E.R.T. books but all other subject books are available regardless whether it were five or six subjects. He further stated that if there were six subjects then the work load would be more and therefor a decision was taken by Board and Government because of languages.

He stated that there was extra work load in Class XI and Class XII being Vocational Education.

The Chairman of (S.S.C. Board) informed the Committee that in Maharshtra too has six subjects pattern and that at XIth and XIIth standard prepare for the National Level preparatory course and therefore were not proper to delate. It was also stated that by shifting to N.C.E.R.T. Syllabus which is higher Study has improved the percentage and many students are performing better.

However the books were made available to the students in July 1995.

The Committee examined the Secretary Fiancee & Power and Officers of Electricity Department of Assurance No. 65 regarding proposed southern gas grid.

The Committee was informed that the report for setting up the project on liquified natural gas the requirement of which was in large quantity which was beyond the capacity to bring through pipeline and therefor the feasibility report for setting up the liquified natural gas was being worked out.

The Committee would like to know the further progress in this regard.

The Committee examined the Director transport on assurance No. 113 regarding bus-stop at Ponda, assurance no. 217 regarding obstruction of vehicular traffic due to stopping of buses on the road and assurance No. 218 regarding Kadamba Bus-stand at Margao respectively.

As regards assurance no. 113 it was informed that the repair of bus-stand at Margao was carried out and all infrastructural facilities were provided.

As regards assurance no. 217, the Department was marking the bus-stops and instructions were issued to the field staff to keep on watch whether the buses are stopped at the marked places. Instructions were issued to the P.W.D. to illuminate the bays wherever existed. The Committee was of the opinion that the regular checks be done to see the bus operators are stopped the buses at the market places.

As regard assurance no. 218, committee was informed that the administrative approval for the work was obtained and an amount of Rs. 20 lakhs was placed at the disposal P.W.D. to undertake the work. The Committee would like to know the progress of the work in this regard.

The Committee examined the Director of Transport on assurance no. 220 regarding K.T.C. bus stand at Pernem. The director has informed the Committee that the plans, estimates was prepared and that the work would be taken up subject to the availability of funds as may other projects of such nature were to be undertaken. The Committee opined that there no planning in the office of Director of Transport as to which are the projects to be undertaken in a financial year which is very bad for the progress of the State. The Department should give specific reply instead of giving vague reply like "subject to the availability of funds."

The Committee also examined the Director of Transport on assurance No. 219 regarding K.T.C. Bus Terminus at Margao and revealed that the plans were finalized. However, the Committee would like to have the latest information in this regard.

The Committee further examined the Director, of Transport on Assurance No. 112 regarding upgradation of Bicholim RTO office. The Committee was informed that a proposal for upgradation of office of R.T.O. at Vasco and Bicholim, was submitted to the Government. However, the proposal is pending with A.R.D. for scrutiny. The Committee was of the opinion that due to increase in vehicle population in the area both these offices be upgraded. The Committee awaits the progress in this regard.

The Committee examined the Director of Municipal Administration in respect of assurance no. 189 and 190 regarding illegal garages/repairs workshop on the roads at Panaji. The Director of Municipal Administration brought to the notice of the Committee that under Section 176 of the Municipality Act only fine of Rs. 100/- can be imposed on violation of rules and therefore there is a urgent need to enhance the fine by amending section 176 of the Municipalities Act.

viii.

The Committee opined that the Act be immediately amended to increase the fin so that foot vendors are eliminated. Meanwhile the Council may take police assistance to vacate such illegal encroachments on the footpaths.

The Director of Municipal Administration has assured to supply requisite information on allotment of shops/premises in connection with assurance No. 190. which is awaited.

The Committee would like to go through the information to make recommendation on the assurance.

V) The Committee examined Assurance No. 224 regarding polluting Industries and decided to visit hazardous industries in Cuncolim Industrial Estate. The Committee accordingly on 15-10-97 visited M/s Kartik Alloy Pvt. Ltd; M/s Pooja Ferro Alloys Ltd and M/s Sun Rise Zinc Industry Ltd., with Joint Secretary Legislature and Functional Manager of Industries Department.

The Committee was informed by the management of the Industrial Units that they are facing power shortage and many a times units had to be closed down.

The Committee noticed that the first two units have taken precautionary steps to avoid pollution . As far as the third unit namely Sun Rise Zinc Industries Unit was concerned, the Committee found that there was unbearable smell and the Committee Members were to move out of the premises as there we breathing problem and irritation to the throat. The Committee Members opined that it is hazardous for the staff to work in such units.

Therefore the Chairman of the Committee has written personal letters to the Minister Industries and Minister for Environment, requesting them to undertake joint inspection of this units as well as other such units and take appropriate action.

Committee await the steps taken by the concerned Ministers.

1.	2.	3.	4.	5.	6.
222.	U. S. Q. No. 1451 12/12/1995	Industrial Estate at Keri Ponda. By Smt. Victoria Fernandes, M.L.A. Cl. 1) Whether the Government will establish a new Industrial Estate at Keri Ponda.	By Shri Luizinho Faleiro, Minister for Industries Sir, the matter is under consideration of Goverment.	Land is still in the possession of M/s. Thapar & Du-ponts Ltd. The question of setting up an Industrial Estate will arise only after getting back the land from Co.	What action has to been taken by the Government to get back, the land from the Company?
224.	Zero Hour	Regarding Industrial Estate at Cuncolim Shri Aracio D'Souza, M.L.A. श्री आरेसीओ डिसौझा: स्पीकर सर, इंडस्ट्रीज मिनीस्टराचे नदरेक हाडून दिवक सोदता कि आमचे कुंकळी इंडस्ट्रीयल इस्टेटी संबंधी लोकाचे जनरल इंप्रेशन जाल्ले आसा कि सगळ्यो पोल्युटीग इंडस्ट्रीस थींगा डंप केल्यात म्हणून, हांव मागता इंडस्ट्रीस मिनीस्टरांन ताचेर चौकशी करची.	Shri Luizinho Faleiro, Minister for Industries. I am going to investigate into this and I will take necessary action in case there is really pollution.	On going through list of unit which are allowed to be set up in Cuncolim Industrial Estate it is observed thatt it is not true that only Polluting Industrial units are dumped in Cuncolim Industrial Estate. Units like Engineering, Plaxtixs, cold storage, Food processing, statioinery, perfumer, etc. have come up in this industrial Estate apart from steel plants. All the steel plants which have come up in this Industrial Estate have been cleared by the Goa State Pollution Control Board. They have also installed latest Pollution Control Plant and hence the Pollution is negligible.	The Committee visited the Polluted Industries on 15-10-1997 at Cuncolim Industrial Estate and comments of the Committee is made in part I of the report.

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211

FAX - 763549 / REGISTERED A.D

No. 5/318/96-PCB/1669 27/1/99

SHOW CAUSE NOTICE AS PER RULE 5 OF HAZARDOUS WASTE (MANAGEMENT AND HANDLING) RULES, 1989

Whereas you are operating your industry at plot no. L-2 & 3 of Cuncolim Industrial Estate, Cuncolim for processing/recovering electrolytic zinc and copper from brass and zinc ash.

Whereas this Board has issued authorization to you vide no. 10/10/97-PCB/22 dated 1/4/98 under Hazardous Waste (Management and Handling) Rules 1989 for collection, treatment, transport, storage and disposal of waste sludge generated by you. Further, the said authorization was issued with the condition that the Hazardous waste (waste sludge) generated within the premises shall be disposed off to (i) M/s Mallikarjun Group of Industries, Dhugali, Polem, Canacona Goa for use in the manufacture of cement concrete blocks (ii) M/s Trimoorti Udyog, Shivaji Udyam Nagar, Kolhapur, for use as soil filler/conditioner (agriculture)

Whereas the Board Officials (Central and State) inspected your industry on 2/1/99 and it was found that the waste sludge referred above was illegally dumped in an abandoned laterite stone quarry situated in the industrial estate which is behind M/s Harish Fasteners Factory. Further, it was seen by them that the sludge was illegally dumped at different places in the said quarry and at some places covered with laterite soil to camouflage. This illegal action of dumping the sludge was brought to your notice on the same day i.e 2/1/99 and samples from illegal dump site were collected in your presence for further analysis.

Your contention that you have retrieved the entire quantity of waste sludge dumped illegally in the laterite quarry intimated to this office vide your letters dated 13/1/99 and 20/1/99 is not convincing in view of the fact that you do not have sufficient space/facilities within your premises for storing more than 1000 tons of waste sludge under question.

27/1/99

104

You are hereby directed to show cause as to why action under section 5 of the Environment (Protection) Act 1986 for closure of your unit, stoppage of power supply and water supply should not be initiated against you, for illegally dumping the waste sludge into the quarry for violating the authorized mode of disposal mentioned in authorization letter referred above.

Your reply should reach this office within 10 days from the date of this notice, failing which appropriate action as per section 5 of the Environment (Protection) Act, 1986 for closure of your unit, stoppage of power supply and water supply will be initiated against you. It is further informed that if no reply is received from you within the prescribed period, it will be construed that you have no explanation to provide for such contravention and action will be initiated against you accordingly.

The receipt of this notice may be duly acknowledged.

Member Secretary
For Goa State Pollution Control Board.

To,
M/s Sunrise Zinc Ltd.
Plot no. L - 2 & 3
Cuncolim Industrial Estate
Cuncolim, Salcete.

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गोंय राज्य प्रदुशण नियंत्रण मंडळ

GOA STATE POLLUTION CONTROL BOARD

(DEPARTMENT OF ENVIRONMENT, GOVT. OF GOA)

No. 5/318/96-PCB/1788 18/2/99

By fax/Hand delivery

DIRECTIONS AS PER SECTION 27(2) a, 3 OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 AND SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986

Ref:
1. Consent Order no. Water/850/97 dated 8/8/97
2. Authorization issued by this Board vide No. 10/10/97-PCB/22 dated 1/4/98 under the Hazardous waste (Management and Handling) Rules, 1989
3. Show Cause Notice issued by this Board vide No. 5/318/96-PCB/1669 dated 27/1/99
4. Your reply to the Show Cause Notice no. 0202/2272 dated 2/2/99.

Whereas your industrial unit, M/s Sunrise Zinc Ltd. (SZL) located at plot no. L -2 and L - 3, Cuncolim Industrial Estate (CIE) was inspected by the officials of Central Pollution Control Board (CPCB) and this Board (GSPCB) on 2/1/99 and it was found that the Hazardous waste sludge (HWS) was illegally dumped in an abandoned laterite stone quarry situated in the CIE, in violation of the consent conditions (refer 1 above) and authorization granted as per Hazardous Waste (Management and Handling) Rules, 1989. (refer 2 above.)

Whereas this Board had issued you a show cause notice vide reference cited (3) above for illegally dumping the HWS in the abandoned laterite quarry in the CIE.

Whereas the contention stated vide your letter cited (4) above that the entire HWS dumped in the quarry at CIE is attributed to your transporter and that the said quantity is fully retrieved is not convincing to this Board. This is due to the fact that on inspection by the official of this Board on 4/2/99, it is noticed that the HWS is still found at some places and that the same is covered with more earth thereby misleading this Board.

Whereas after careful consideration of all the material facts of the case, this Board is of the opinion that you have failed to comply with the consent/authorization conditions and thus illegally dumped the [illegible] in the said quarry thereby endangering possible contamination of ground water.

In view of the above, the following directions are issued as per section 27(2) a (3) of the Water (Prevention and Control of Pollution) act 1974 and section 5 (a) of the Environment (Protection) Act 1986.

18/2/99

२४३, पाटो, पणजी ४०३ ००१ गोंय. / 243, Patto, Panaji 403 001 Goa.
ıe Nos. 91-832-227974, 432684, 432740, 230708 Fax No.: 91-832-432740 E-Mail: goa poll @ goa-nic.in

106

a. You are hereby directed that you shall not re-commence production activity for the manufacture of zinc unless a secured landfill site is developed within the factory premises for the purpose of storing HWS generated from the unit and that, prior permission of this Board is obtained before commencing production.

b. That you shall retrieve the entire quantity of the waste sludge dumped within the CIE in the abandoned laterite quarry and store the same in a secure land fill site within the factory premises to the satisfaction of GSPCB and CPCB.

c. That in case you fail to retrieve and store the HWS as directed above, the same shall be got done by this Board at your risk and cost, for which you are directed to deposit immediately a sum of Rs. 50,000/- (Rupees Fifty thousand only) with this Board by way of Demand Draft.

d. That you shall furnish a Bank Guarantee of Rs. 5 Lakhs (Rupees Five lakhs) as a security to cover the lapses in future on your part, in any eventuality arising out of indiscriminate disposal of the HWS.

e. The authorization granted by this Board under the Hazardous Waste (Management and Handling) Rules, 1989 (cited under reference 2 above) for selling the HWS to M/s Mallikarjun Group of Industries for the manufacture of cement concrete blocks is hereby cancelled in view of the fact that M/s Mallikarjun Group of Industries have failed to store the HWS in a safe and scientific manner as per Hazardous Waste (Management and Handling) Rules 1989.

Kindly acknowledge the receipt of this Order.

Member Secretary
For Goa State Pollution Control Board.

To,
M/s Sunrise Zinc Limited
Plot no. L 2 & 3
Cuncolim Industrial Estate
Cuncolim, Salcete Goa.

c.w.c. to:

1. Member Secretary, Central Pollution Control Board, CBD cum Office Complex, East Arjun Nagar, Delhi 110032. for kind information

2. The Zonal Officer, Central Pollution Control Board, 6, West of Chord Road, Mahalaxmi Puram, II stage Rajajinagar, Bangalore. for kind information.

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215

No. 6/59/94-PCB/ 1664

Registered A.D

25/1/99
27

SHOW CAUSE NOTICE UNDER SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.

Whereas the Govt. of Goa has constituted the State Pollution Control Board as per section 4 (4) of the Water (prevention and Control of Pollution) Act 1974 and as per section 4 of the Air (Prevention and Control of Pollution) Act 1981 as amended.

Whereas section 4 of the Air (Prevention and Control of Pollution) Act 1981 empowers the State Board constituted under the said Act to perform the powers and functions of the Board. Whereas you were issued consent to operate under section 21 of the Air (Prevention and Control of Pollution) Act 1981 by this Board vide Order no. AIR/47/94 dated 24/6/94 valid upto 30/6/99

Whereas as per the consent conditions specified in the consent order, you are required to submit stack monitoring analysis report to this Board every month. Whereas during inspection of your industrial unit by the Official of Central Pollution Control Board and Goa State Pollution Control Board on 2/1/99 it was noticed that clouds of fugitive dust were emitting from the process in all directions; as you have not provided proper hood coverage fitted with adequate sucking system for fugitive dust.

Whereas you have failed to provide/install adequate and satisfactory pollution control equipment to control the fugitive dust/emissions generated during the operation of arc furnace. Whereas you have failed to conduct stack monitoring and submit the analysis report to this Board as specified in the consent order issued to you.

Now therefore I hereby call upon you to show cause if any within 15 days from the date of receipt of this notice as to why legal action as per section 33 (A) of the Air (Prevention and Control of Pollution) Act 1981 for closure of the unit, stoppage of power supply, water supply etc. should not be initiated against you.

Whereas it is further informed that non receipt of any reply within the prescribed period, it will be construed that you have no explanation to provide and action will be initiated accordingly for such contravention.

Member Secretary
For Goa State Pollution Control Board

To,
M/s Kartik Alloys Ltd.
Plot no. L-6, 7, Cuncolim Industrial Estate
Cuncolim Goa.

27/1/99

No: 6/59/94-PCB/1900 Date: 16/3/99

CLOSURE NOTICE AS PER SECTION 31(A) OF THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981.

Whereas Govt. of Goa have constituted the State Pollution Control Board as per section 4(4) of the Water (Prevention & Control of Pollution) Act, 1974 and as per section 4 of the Air (Prevention & Control of Pollution) Act, 1981.

Whereas section 4 of the Air (Prevention & Control of Pollution) Act, 1981 empowers the State Board constituted under the said Act to perform the powers & functions of the State Board.

Whereas show cause notice was issued to you by this Board vide No. 1/25/98-99/PCB/Vol.II dated 27/1/99 for releasing fugitive emissions in all direction and for not providing adequate pollution control equipment thereby causing air pollution in the vicinity.

Whereas upon perusal of your letter No. KAL/351/98-99 It has noticed that you have failed to provide any explanation to the air pollution caused by you in the vicinity.

(Issued) 16/3/99

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110

(2)

Now, therefore it is hereby directed that the industrial unit of M/s. Karthik Alloys located at plot No. L-6 & L-7, Cuncolim Industrial Estate shall be closed with effect from 26/3/99.

Compliance report may be submitted to this Board by 26/3/99.

MEMBER SECRETARY
GOA STATE POLLUTION CONTROL BOARD

To,
M/s. Karthik Alloys
Plot No. L-6 & L-7,
Cuncolim Indst. Estate.

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219

Arecio D'Souza
M L A
Cuncolim Constituency
Bencleum Wado,
Cuncolim, Salcete-Goa
Phone : 763190

Ref. No. MLA/CUN-34/711/97-98. Date 25 May 98

To,
The Member Secretary
Goa State Pollution Control Board.
Patto - Panaji.

SUB: Request for Information of Industrial Units from Cuncolim Industrial Estate.

Sir,

As per my information, I found that some Industrial unit that are come up in Cuncolim have been refused permission in other states as they are highly polluting but they are given permission to be set up in Cuncolim. As an M.L.A. of local area please furnish me the following information.

1). Now many Industrial Units in Cuncolim have been given N.O.C. by your office. Name each unit and date when it was issued.
2). What norms do you follow by issuing N.O.C.
3). Whether you have any idea of the units which refused permission in other states.
4). What is the product they produce, give unit wise, what is the raw-material they use. Is there any possibility of smoke being spread in the air.
5). Measures each unit adopt to control pollution of the air,
6). Where do they dispose off their waste is there any possibility of ground water polluted.
7). Name the Iron/Zinc smelting units.

Please treat this as most urgent.

Thanking You,

Yours faithfully,

(ARECIO D'SOUZA).

M.L.A.

Goa Pollution ... Board
Inward No. 560
Date 28/5/98

MLA/CUN-34/710/97-98 25 May 98

To,
The Managing Director
I.D.C.
Saraswati Mandir Bldg
PANAJI - GOA.

SUB: Request for information from Cuncolim Estate Units.

Sir,

As per my information some Industrial Units that are come up in Cuncolim Industrial Estate have been refused permission in other states of India and they are given permission to set up in Cuncolim. As an M.L.A. of local area I kindly request you to furnish me the following information ~~XX~~ of the Industrial Units that are in operation in Cuncolim.

1). What is the total number of Industrial Units, their names total investments that they made on each unit, loan given by the I.D.C. or E.D.C.

2). Name the Iron/Zinc smelting units whether they are likely to cause polution in the area as they are giving out smoke.

3). Name the power guzzlers units. How much monthly power they consume, give unit wise. Whether they pay their power bills regularly. What is their outstanding amount.

4). Whether they obtained certificate from Goa Polution Control Board.

5). What are the products each unit produce. What is the raw material they use. Where do they dispose of their waste.

6). Is there any likelihood of ground water polution.

Please treat as most urgent.

Thanking You,

(YORES NADKHOUZAy).

115

223

No: 8/7/97-PCB/Vol. VIII/381 Date: 9/6/98

To,
Mr. Arecio D'Souza
Hon'ble MLA,
Cuncolim Constituency,
~~Benaulim~~ Waddo,
Cuncolim, Salcete-Goa.
Benclem

Sub: Information on Industrial Units located in Cuncolim Industrial Estate.

Ref: Your letter No.MLA/Cun-34/711/97-98 dated 25/5/98.

Sir,

This has reference to your letter cited above under reference:-

(1) List of industries located at Cuncolim Indl. Estate is enclosed herewith.

(2) Norms followed for issue of NOC: NOC application received by this Board are scrutinised to verify for the fulfilment of requirement for consideration. Thereafter, they are discussed in the Technical Advisory Committee (TAC) Meeting. NOC's are granted for those parties whose applications were approved by TAC.

(3) This Board is not aware of those units which are refused by other States. However care and caution is exercised by TAC in case of Highly polluting industries while issuing NOC.

(4) Please see the list.

(5) Medium polluting units such as MS ingots, Alloys etc. have provided Air Pollution Control Equipments.

(6) Solid waste is stored in their premises for further disposal. Almost all the units in Cuncolim Industrial Estate do not produce trade effluents except domestic waste water which is being discharged into septic tank.

16/98 (7) Please see Sl.No.— of the letter enclosed herewith.

Yours faithfully,

ad/-

(H.R. Kulkarni)
Member Secretary

225

st of Industries located at Cuncolim Industrial Estate.

Sr.No.	Name of the unit	Product	D/o commision
1.	Kartik Alloys Ltd.	High Carbon ferro Manganese	19-11-1993
2.	M/s. Puja Ferro Alloys Pvt. Ltd.	Ferro Alloys	5-6-95
3.	M/s. Babatile Industry	Mosaic tiles, cutting & polishing of natural stones.	20-11-93
4.	M/s. Safin for Furniture	Grills, gates, steel furnitures steel fabrications, wooden & aluminium furniture.	15-09-95
5.	M/s. Desai & Desai Industries	Crown caps	07-02-94
6.	M/s. Desai & Desai Packaging	Corrugated boxes	02-10-97
7.	M/s. Roquedal Lubricants Pvt. Ltd.	Re-refinishing of lubricating oils, re-conditioning of used drums, greases, industrial oils, transformed etc.	28-04-95
8.	M/s. English Rubber Co.	Latax Foam	06-07-95
9.	M/s. Sunrise Zinc Ltd.,	Electrolyte Zinc	01-08-96
10.	M/s. Sunrise Electromet P.	Steel casting	24-05-95
11.	M/s. Rocha Industries	Crown caps	23-11-94
12.	M/s. G.R. Ispat Ltd.	M.S. ingots/billet forging steel & casting.	11-05-95
13.	M/s. S.T.P. Ltd.	Construction additives & allied products.	22-9-95
14.	M/s. Raj & Yash Alloys P. Ltd.	Mild steel ingots mfg. unit.	-12-95
15.	M/s. Tirupati Steel P. Ltd.	Mild steel ingots mfg.unit.	01-10-95
16.	M/s. Vinaya Enterprises	Rubber moulding mfg. unit.	20-08-97
17.	M/s. Eagle Metal Industries	Metal fabricated items including bottom guides & springs for rolling shutter.	20-10-97
18.	M/s. Costa ice Plant	Ice & Cold Storage mfg. unit.	28-10-96
19.	M/s. Super wire producrts	Wire nails & M.S. wire mfg.	08-04-97

227

20.	M/s. Emkay Elastomers	Rubber tread mfg. unit	01-02-97
21.	M/s. Damian Industries	Plastic pallet, solid black & filter press element.	01-01-96
22.	M/s. Quality Appliances	Deep freezer, bottle cooler, walk in cooler, condensing unit & condensing coil mfg.unit.	01-03-96
23.	M/s. Wrap N. Pack	Plastic bags.	01-12-97
24.	M/s. Nicomet Industries P. Ltd.	Electrolytic cobolt metal & nickel metal cadmium & copper salts, lead & iron salts with silicious mass & sodium salts etc.	01-07-97
25.	M/s. Aquarius Fabreglass	Fibreglass boats, FRP gober gas tanks & FRP allied products.	20-11-95
26.	M/s. Dimac Organics P.Ltd.	Natural manganese dioxide powder	01-07-96
27.	M/s. Sialca Industries	Absorbents & refactory materials granules powder.	01-02-98
28.	M/s. Vibgyor Coatings P. Ltd.	Powder coating activity	11-02-98
29.	M/s. unichar International	Activated carbon & rosin	01-07-97
30.	M/s. Mandovi Ispat P. Ltd.	Hot rolled M.S. products	14-03-97
31.	M/s. Goa Ice & cold storage	Ice & cold storage	10-02-97
32.	M/s. Mandovi Steel & Rolling P. Ltd.	Hot rolled steel products	20-10-97
33.	M/s. Shri Balaji Rolling P.Ltd.	M.S. Ingots.	05-06-97
34.	M/s. Cuncolim Oxygen Plant P. Ltd.	Oxygen gas	29-05-97
35.	M/s. Rukminirama Rolling Mills	Round/tor steel of 8 to 25mm dia flats square angle etc.	02/10/97
36.	M/s. Abideep Pavex(P) Ltd.	Concrete hollow blocks, concrete solid blocks, concrete manhole covers.	14-03-98
37.	M/s. Suman die casting(P) Ltd.	Non-farrous metal alloys mfg. unit.	24-02-98
38.	M/s. Shalom Exports	Gun metal items of fire fighting equipments and brass items.	28-03-98
39.	M/s. Western Beverages P.Ltd.	Aerated water and mineral water	20-03-98

229

40	M/s. Synergy Accumulators (I) P. Ltd.	Lead batteries	21-03-98
41.	M/s. Plastic International	Plastic bags.	
42.	M/s. Shirdi steel Rollers P.Ltd.	M.S. angles, channels, flats, round CTD bars etc.	25-03-98
43.	M/s. Pramukh Caps	P.P. caps	30-03-98
44.	M/s. Vinyl Plast	Plastic bags	1-12-98
45.	M/s. Shrink Wrap	Plastic bags	1-02-98
46.	M/s. Nitsui Electronics P. Ltd.	Grinders & Mixers	30-3-98
47.	M/s. Aqua Quench	Mineral water	1-03-98
48.	M/s. Bauchemie M.C.	Building chemicals	1-03-98
49.	M/s. Pramukh Caps		

Units under trial production/construction

Sr.No.	Name of the unit	Product	Status
1.	M/s. Film Plast	Plastic Bags	Under trial Oroduction
2.	M/s. Crescent Fragrances	Mfg. of perfumery & flavouring chemical	Under trial Production
3.	M/s. Khosla Foods P. Ltd.	Cashew kernal & cashew nut shell liquid	I t was under trial production. Presently no workers are seen at site. Part is still under construction.
4.	M/s.Shat Pratishat	Dissolved acetylete gas plant oxygen plants etc.	Under construction.
5.	M/s Mandovi Lime Industries	Burnt lime powder out of sea shell	Under construction
6.	M/s. Ashirwad Enterprises	Plastic granules (out of scrap)	Plans submitted for approval
7.	M/s. Taparia Tools Ltd.	Forging for various application & accessories.	Under trial production
8.	The Executive Engineer PWD	G.L.R.	G.L.R is ready.
9.	M/s. Mala Industry	Name plates, wood carving, decorative articles, machine jobs etc.	Under trial Production.

231

10.	M/s. Danies Earthmoving	Tyre retreading & tread rubber	Under trial Productiuon.
11.	M/s. Suvarna Rekha P. Ltd.	Processing & freezing of sea food and cold storage.	Under construction.
12.	M/s. Ell Frank Engg..works	M.S. fabrication and steel furniture.	Under construction
13.	M/s. Waigankar Engg.	Tata tipper body building roof structure for godown shed, trailer tractor body building, plate built of structure.	Under construction
14.	M/s. Manisha Packers	corrugated boxex and corrugated boards.	Under construction
15.	M/s. Hari Fasterners P.	Casting of different types	Under completion
16.	M/s. Marie International	Ice & cold storage	Under construction
17.	M/s. Keserval Spring Distillers	I.M.F.L. and wine	Under completion and machinery installed.
18.	M/s. Model Casting P. Ltd.	Plastic granulea	Under completion.
19.	M/s. Goa Polychem Ind.	Corrugated boxes & cartons	Under completion.
20.	M/s. Jai Kissan Pipes	Rigid PVC pipes & fittings, SMR pipes & fittings, PVC dry blend compounds & scrap.	Under construction.
21.	M/s Sai Industries	Gin, Whisky, Brandy & Wine.	Under construction.
22.	M/s. S.Chems & Allied Producers P.Ltd.	Manganese dioxide powder (Industrial & pharmaceutical grade)	Under completion & trial production.
23.	M/s. Raika Air condition & Refrigeration work.	Mfg. & repairing of air conditioners & refrigeration unit.	Under construction
24.	M/s. Global Plastochem	Industrial solvent (thinners) mixing and blending by mechanical process.	Under construction.
25.	M/s. Western Coirfoam P.Ltd.	Rubberised coir mattresses.	Under construction
26.	M/s. Poly Process Industry	Butyle acetnte,wax oils ethyle adretate rubber based	Under completion.

		solution.	
27.	M/s. Kulpurusha Engg.works.	Mild steel trusses, Industrial gates, fencing rails tanks of mild steel etc.	Plans submitted for approval.
28.	M/s. Sagar Feeds	Cattle feeds	Plans submitted are to be revised.
29.	M/s. Star Chemical Industries	Industrial Solvent, rubber based solution, processing of plastic materials.	Part construction completed.
30.	M/s. Shiva Metallurgical Products.	Mangnese Powder low carbon ferro mangnese powder.	Under completiuon and trial production.
31.	M/s. Pioneer Plastics	Recycling of plastic scrap, mfg. granules from plastic scrap.	
32.	M/s. Goa Plast	Plastic caps & components.	Plans submitted for approval at head office.
33.	M/s. Ambika Cement Products	RRC cement products.	Under construction
34.	M/s. Deluxe Chemical Ind.	Industrial solvent, rubber based solution & compounds, distillation of solvent.	Part construction completed.
35.	M/s. Paramount chemical Ind.	Hydro carbon solvent, Industrial solvent, rubber based solution etc.	-do-
36.	Shree Laxmi Venkatesh Steels.	M.S. rounds, M.S. flats, M.S.angles M.S. squares.	Under completion.
37.	M/s. Mahima Neochem Ind.	Corrugated boxes	Under completion.
38.	M/s. Zameer Plastic	Recycling of plastic scrap, plastic granules.	Possession of plot not taken. Our letter dated 2/3/98 is written to the party.
39.	M/s. Priya Distillers	Whisky, rum, brandy gin, wine.	Possession of plot taken on 9-3-98. Plans are being submitted by the party as informed to this office.
40.	M/s. Superseal Industries	Expanded polythylene liners, cork, wads, pilfer proof caps and seal.	Plans submitted are to be revised.

IN THE HIGH COURT OF BOMBAY AT PANAJI.

Writ Petition No. 384 / 99

Goa Foundation .... Petitioner

versus

Arecio D'Souza & Ors. .... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

I, Dr. N. P. S. Varde, major in age, residing at Porvorim, Goa, do hereby on solemn affirmation state as under:-

1. I state that the Respondent No. 1 herein, had raised the issue relating to environmental pollution caused by the industrial units in Cuncolim Industrial Estate. I state that on 15.12.1995, in the Legislative Assembly of the State, Respondent No. 1 had specifically raised this issue of pollution. The said Respondent No. 1 had also referred to the visit of

Inspector along with the officials of the Inspectorate of Factories & Boilers and stated that there were no safety measures.

2. I state that on 7.07.1995, in the Legislative Assembly, Respondent No. 1 had raised the issue vide L.A.Q. No. 521 in which one of the issue raised pertained specifically to the aspect of pollution. I state that by starred question No. 1600 tabled by the Respondent No. 1 on 12.12.1995, it was asked as regards a particular unit causing air and water pollution in residential area and the steps that Government intends to take to stop the pollution in the interest of the residents around. Similarly, by another starred question bearing No. 976, on 7.08.1996, the Respondent No. 1 herein, had asked about NEERI report on pure potable drinking water from Salaulim to the people of South Goa and the implementation of its recommendations.

3. I further state that on 23.07.1996, the Respondent No. 1 had raised the issue of pollution of petroleum coke at St. Jose De Area, vide starred question No. 518, and especially the aspect of pollution from carbon.

4. I state that the Respondent No. 1 on 17.07.1998, vide unstarred L.A.Q. No. 1198, raised the issue as regards malaria cases and the measures taken by the Government to prevent further spread of malaria in these villages.

5. I state that on 24.07.1998, vide L.A.Q. starred No. 1063, the Respondent No. 3 had asked about the unhygienic conditions in Panaji, Margao, Mapusa, Mormugao stalls selling beef, pork, mutton, chicken, etc. and the sample analysis, action taken etc. in terms of Section 27 (2) a, 3 of the Water (Prevention and Control of Pollution) Act, 1974, and Section 5 of the Environment (Protection) Act, 1956.

6. I state that the documents as aforesaid are available with the State of Goa, and I crave leave to produce the same and rely upon the same when produced. I further state that the aforesaid activities do show that the Respondent No. 1 had experience in the matters dealing with practical work on environment. Similarly in the fortieth report of 1997-98 of the Committee on Government Assurance of which the Respondent No. 1 was a Member, examined the issue as regards assurance regarding polluting industries and had even visited hazardous industries

and made a report thereon regarding hazardous conditions therein.

Pursuant to this, the Goa State Pollution Control Board had even issued show cause notice as per Rule 5 of the Hazardous Waste (Management and Handling) Rules, 1989 to the industries in Cuncolim Industrial Estate and even given directions.

7. I say that whatever stated in paras 1 to 6 of this affidavit is based on the records and information available with the Respondent No. 2 to which I have access and I believe the same to be true.

Solemnly affirmed at Panaji
on this 14th day of February, 2000.

A F F I A N T

Identified by me:-

245

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

Writ Petition of 1999.

The Goa Foundation)..Petitioner.
v/s
Arecio D'Souza and ors..)..Respondent.

REJOINDER AFFIDAVIT ON BEHALF OF THE PETITIONER

I, Dr.Claude Alvares, Secretary, petitioner abovenamed, do here solemnly affirm as under:

1) I have read the affidavits in reply filed on behalf of the Respondent No.1 dated 29.1.2000 and 14.2.2000 and the affidavits filed by the Respondent No.2 dated 31.1.2000 and 14.2.2000. I am filing this common rejoinder affidavit in relation to the above four affidavits from the two Respondents.

2) I say that the facts and documents relied upon in the said four affidavits do not make out a case for qualifying the Respondent No.1 for appointment as Chairman of the Goa Pollution Control Board as per the requirements of the Water and Air Acts. I say that the facts and documents ad-

duced are not relevant for purposes of appointment to the high office of the Chairman of the Goa State Pollution Control Board.

3) I say that it is incumbent on the Government to select only those persons having special knowledge or practical experience in matters relating to environment protection as environment protection is a matter for specialist knowledge. The facts set out in the affidavits do not meet the test of the requirements given in the Air and Water Acts.

4) I say that mere 26 years experience of teaching of geography to school students does not enable a person to qualify as Chairman of the Pollution Control Board. The said experience cannot be equated with either special knowledge or practical experience of environment protection. Environment protection is a specialised subject. Knowledge of environment issues in so far as they relate to geography is general knowledge and is part and parcel of the consciousness of even unschooled persons.

With reference to the affidavit of Resp.No.1 dated 29.1.2000

5) With reference to para 12, I say that the list of text books annexed comprises books on geography and this is stated to be so on the cover page of the books themselves. The objectives of the syllabi enclosed also show quite clearly that the purpose of the courses is to equip the pupils with knowledge of geography.

6) With reference to para 13, I deny that the Respondent No.1 has gone through many books on the subject of environment and that this has enabled him to acquire special knowledge on matters relating to environment. Majority of the teachers today are known not to upgrade their knowledge and keep repeating the same text book knowledge to their students which has resulted in a complete sterility in the educational system. There is nothing on the record to show that Respondent No.1 is an exception. Even if he were to have shown that he had won an award as an exceptionally good teacher during his career of 25 years, which he has not, that would best make him a good teacher of geography and not a person having special knowledge of environment. I deny that teaching the subject of geography enables the Respondent No claim that he has gained special knowledge for dealing with the highly specialised duties expected of and assigned to Chairper-

sons of the Pollution Control Board. By this standard, all such teachers of geography would be entitled to selection as Chairpersons of the Board. Also, all students who have passed the geography class are also deemed equally competent to be nominated as Chairpersons of the Board. This is quite an absurd suggestion.

7) With reference to paras 14 and 15, I deny that the Secretary of the Board possesses the relevant qualifications for being appointed as Secretary to the Board or that he has the technical and professional qualifications prescribed under the statute.

<u>With reference to affidavit of Resp.No.1 dated 14.2.2000</u>

8) Subsequent to the filing of the above affidavit, additional affidavit dated 14.2.2000 has now been filed by the Respondent No.1. The main thrust of the material annexed to this additional affidavit is to establish the claim of passing the test for appointment on two new grounds:

(i) that the Respondent No.1 drew the attention of the general public and the Board to pollution caused by the units in Cuncolim Industrial Estate. The Respondent No.1 states that he raised these issues in the Assembly.

(ii) He also states (in para. 8) that the Board issued notices to the units because of his action. He states he visited the units on 15.10.1997 as a member of the Assurance Committee; that the Committee wrote a report; that he eventually wrote to the Board and the Industrial Development Corporation for further information on the industrial units in Cuncolim. He further states (in para. 12) that he carried out this activity in view of the special knowledge that he had acquired in his teaching career as a geography teacher.

9) At the outset it may be stated that writing letters of complaint or raising issues in the Assembly cannot endow any person ipso facto with special knowledge of environment protection. I say that in my humble submission these activities do not constitute the qualifications as required under the statute. The raising of issues of pollution are a mandatory duty cast on all citizens by the Constitution and the Respondent No.4 having raised them is only giving evidence that he was an alert citizen. But by such action or measure, he is not also thereby qualified to be appointed Chairman of the Bd. Raising issues of environmental pollution does not give any person special knowledge of environmental protection. Large number of pollution complaints are lodged by citizens all over the

country. These would not mean that such complainants thereby would have special knowledge and would be enabled to be qualified to be chairpersons of the Board. The Goa Foundation has also filed several complaints about the pollution associated with the Cuncolim Industrial Estate. So has the present Chief Minister and dozens of others. None of the notices issued by the Board to polluting units in Cuncolim (produced by the Respondent No.1) record that they are being issued on receipt of complaints from the Respondent No.1. I say that these notices were in fact issued because of protests from several parties including the petitioner. I also say that it is unfortunate that though a teacher for 26 years, Resp. No.1 is unable to differentiate (para 12) between two separate terms, as can be seen in his use of the term 'carrier' when actually what is meant is 'career'.

With reference to affidavit of Resp.No.2 dated 31.1.2000

(D) With reference to the affidavit dated 31.1.2000 filed by Dr.N.P.S. Varde I say that what the deponent has done is to simply copy word for word the key concepts, chapters, sub-chapters of the geography syllabus and geography books allegedly taught by the Respondent No.1 and annexed by the Respondent No.1 to his affidavit dated 29.1.2000. This has been copiously done in his paras 5, 6, 7, 8, 9,

10, 11, 12, 13 and 19. In my respectful submission, such defence cannot help the Respondent No.1 nor provide reasonable defence of the action of the the Respondent No.2. A mere recital of the contents of the syllabus of geography textbooks cannot ipso facto qualify the Respondent No.1 to have special knowledge of environment protection issues.

11) Dr.Varde has not shown in his affidavit how a school teacher, lecturing on geography, even if he is teaching the subject for 25 years, is found to have special knowledge for environment protection as required under the statute or how teaching the concepts relating to geography automatically endow the Respondent No.1 with special knowledge about environment protection.

12) At para 6, the Respondent No.2 admits that the degree in geography only deals with aspects of environment. The statute however requires special knowledge dealing with environment protection or practical experience of the same. At no point during the recitation of copied facts or in any of the submissions is the claim that general knowledge of geography can be equated with special knowledge of environment protection substantiated, either in fact or law.

13) I say that the geography syllabus and the geography text books do not deal with the subject of environment protection. I say that knowledge of basic elements concerning activities of human beings in relation to the environment do not constitute sufficient qualifications demanded under the statute.

14) I say that a naive and wholly specious attempt is actually made (in para 10) to even canvas the claim that the Respondent No.1 has knowledge of air pollution control even though this is a highly technical matter requiring even greater, specialized training.

15) I reiterate that the statute requires special knowledge of environment protection, which is a specialized field. I say that the statute requires special knowledge of the task of environment protection for the following reasons:

a) The Chairman of the Board can be delegated powers under Section 11-A of the Water Act for issuing orders on behalf of the Board. The delegation of such powers must be read in consonance with section 17 of the Act which relates the functions of the Board and which include the setting of standards for air and water pollution and the siting of industries; hence the Chairman must be found to possess abundant

specialised knowledge for carrying out the various functions of the Board.

b) The Chairman and Member Secretary are the only two persons on the Board who must be qualified as the remaining appointees represent specific interests and may or may not be qualified.

c) When the Legislature amended the Water Pollution Control Act in 1978 to permit the post to be held by part-time Chairpersons, the Boards did not have the kind of responsibilities for environment protection they have now and which include the following:

i) Implementation of the Water Act, 1974 as amended in 1988;

ii) Implementation of the Air Act, 1981 as amended in 1987;

iii) Implementation of the Environment Protection Act, 1986 and several notifications issued under the said Act;

iv) Implementation of the Hazardous Wastes Management Rules, 1989 as amended in 2000;

16) I say that courts have taken a serious view of environment degradation in the country and in petitioner's submission such degradation is largely due to politicians being appointed as Chairpersons even though they generally do not have the requisite competence as required under the statute. In matters of environment protection, the Courts will take a stricter view of the provisions given in the statute rather than a loose interpretation. Because of the general incompetence of persons appointed to the Boards, and due to political interference and expediency, it is the courts that have to step in to issue directions to polluting industries.

17) I say that environment pollution in the State of Goa as required under the various statutes demands that persons with special knowledge of environment protection or practical experience be appointed Chairperson of the Board. I say that the person who has taught geography all his life would not be competent in view of the requirements of the statute and functions assigned to the Board.

18) With reference to para 21, I deny that there is no specific prescribed qualifications for a person to be appointed as Chairman of Board. It is an absurd suggestion to say that unqualified persons can be appointed to such a position of Chairperson of the Board. The statute clearly stipulates that Chairperson should have special

knowledge of environment protection. It does not say the Chairman may only have general knowledge of environment or environment protection or that any person can be so appointed. I say that special knowledge of environment protection very clearly implies that the person should be technically qualified to understand details of environment pollution required in relation to water, air and hazardous wastes. The present Respondent No.1 is obviously unqualified in view of the requirements of the statute and the implementation of the powers and duties assigned to the Board.

<u>With reference to affidavit of Resp.No.2 dated 14.2.2000</u>

19) With reference to the second affidavit dated 14.2.2000, I deny that the facts stated therein in any way endow the Respondent No.1 with the qualifications necessary for being appointed Chairman of the Board. I say that merely filing complaints or raising issues in the Assembly is not an adequate ground for claiming special knowledge of environment protection.

20) I say that this affidavit has been filed as an afterthought. This is confirmed by the fact that when the petitioner first wrote to the government complaining about the appointment, the response of government to the

petitioner dated 20.10.99 (Exhibit D to the petition) did not even refer to these facts. Nor did government rely upon these facts when it filed its affidavit dated 31.1.2000. I say that none of these facts were therefore before the authority when it passed the impugned order appointing the Respondent No.1 as Chairman of the Board. They cannot be relied upon now to save the appointment of the Respondent No.1 as Chairman of the Board. In any event, as stated earlier, the facts set out are of no material consequence to the issue of competence of the Chairman to occupy the position he now illegally holds.

Solemnly affirmed this
the 27th day of February, 2000.

Deponent

Exh P-1

259

विश्वनाथ आनंद
VISHWANATH ANAND

PRIORITY

सचिव
पर्यावरण एवं वन मंत्रालय
भारत सरकार
SECRETARY
MINISTRY OF ENVIRONMENT & FORESTS
GOVERNMENT OF INDIA

D.O.No PS/Secy(E&F)/CPCB/97

September 26, 1997

Dear

The State Pollution Control Boards/Pollution Control Committees in Union Territories have been assigned an important role for prevention and control of pollution from different sources. In recent years, additional responsibilities have been assigned to them for enforcement of various statues. Hence, these organisations need to be suitably strengthened so that they can cope up with the tasks. In fact, the Hon'ble Supreme Court has also had occasion to observe on the unsatisfactory performance of State Boards in discharging their functions.

The activities of the Pollution Control Boards/Pollution Control Committees are essentially science and technology based. The Chairmen and Member Secretaries are the key functionaries of the Boards/Committees who are expected to have requisite professional knowledge and experience for providing effective leadership to their organisations. Under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 the specific requirements for appointment to these posts have been laid down.

However, in some State Boards/Committees, the appointments to these posts are made without due consideration to such requirements as envisaged under the Acts. Also, another major problem being faced by these organisations is on account of frequent changes of Chairmen and Member Secretaries. I request you to kindly ensure that appropriate persons are appointed for these key positions and they are not frequently changed. Where the incumbents do not have the prescribed criteria they should be replaced.

It is requested that this issue may kindly receive your personal attention on a top priority basis.

With regards,

Yours sincerely,

(Vishwanath Anand)

To
All Chief Secretaries of all states/UTs.

C.G.O. Complex, Lodi Road, New Delhi-110003 Tel.: +91 (11) 4361895, 4360721 Fax: +91-(11) 4361838
C.G.O Complex Lodi Road, New Delhi-110003 Tel.: +91 (11) 436189 4352721 Fax No. +91-(11) 4361838
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH
AT PANAJI

Writ Petition No. 384/1999

The Goa Foundation ... Petitioners

V/s.

Mr. Aracio D'Souza & Ors. ... Respondents

INDEX

Sr.No.	Description	Exh. Nos.	Page Nos. From	To
1.	Additional Affidavit on behalf of Respondent no.1		01	12
2.	Copy of comprehensive programme prepared by Respondent no.1	'A'	13	33

Place : Panaji, Goa.

Date : 03/04/2000

ADV. FOR THE RESPONDENT NO.1

263
257

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH AT PANAJI

Writ Petition No. 384/1999

The Goa Foundation ... Petitioners

V/s.

Mr. Aracio D'Souza & Ors. ... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1

I, Aracio D'Souza, major, married, Respondent no.1, residing at Cuncolim, Goa, do hereby on solemn affirmation, state and submit as follows:

1. I am filing the present Affidavit in continuation of Affidavits-in-Reply dated 29/01/2000 and 14/02/2000. At the outset, I deny each and every fact and submission made in the petition which is contrary and/or inconsistent with the Affidavits-in-Reply and the present Additional Affidavit, sworn by me. I reiterate facts and submissions made by me in the earlier Affidavits-in-Reply dated 29/01/2000 and 14/02/2000. I am filing the present Additional Affidavit as per the leave granted by this Hon'ble Court, to meet the Petitioner's case on merits.

2. First and foremost, I submit that the present petition on behalf of the Petitioners lacks bonafides which is apparent from the fact that the Petitioners have approached this Hon'ble Court with the present petition challenging the appointment of the Respondent no.1 as Chairman of the Goa State Pollution Board, when in fact the Petitioners did not chose to file any petition challenging the appointment of the previous

incumbent, who was then holding post of M.L.A. In the Legislative Assembly and acting as Ministers In the cabinet of the erstwhile Government. I say that Dr. Carmo Pegado who was 'Medico Cirurgiao', namely medical surgeon was acting as Chairman of the said Board from 1992 to 1998. I submit that Petitioners have neither challenged appointment of the said Dr. Carmo Pegado as Chairman of the Goa State Pollution Board, on same or similar grounds taken in the present petition nor sought any information or details of his qualifications to hold the said post, and consequently the present petition is filed with ulterior motives. I submit that the said Board was reconstituted appointing the Environment Secretary as the Chairman, effective from 05/03/1999. I submit that the appointment of the Environment Secretary was not challenged by the petitioner on the question of qualifications.

3. I submit that the present petition is filed after a gross delay of about 6 months namely in December 1999 when in fact, the Board was reconstituted vide order dated 14/06/1999 issued by the State Government. I submit that as Chairman, having looked after the administration of the said board, dealing with matters relating to environmental protection for the aforesaid period and till present, I fulfill the guidelines having obtained in discharge of my functions, knowledge and experience in administering the Institution and consequently, the present writ petition filed after long delay it is not maintainable on this ground alone. I submit that during my tenure as the Chairman of the said Board I have prepared a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the

State of Goa, framed under section 17(a) of the Water (Prevention and Control of Pollution) Act,1974 together with directions framed under section 33-A read with 41(2) and 49 (1)(a) of the said Act, which has been placed on record before this Hon'ble Court in suo moto writ petition no.443/98. I am annexing herewith a copy of the comprehensive programme, prepared by me and which is marked as Exhibit – A.

4. I submit that as there are no qualifications prescribed for appointment of the Chairman of the said Board and only reference is made to certain guidelines which have to be considered by the State Govt. and therefore this Hon'ble Court ought not to go into the conscious decision of the State Govt. that I fulfill the relevant guidelines. I submit that on this ground alone, the writ petition is not maintainable and liable to be dismissed forthwith.

5. I submit that Chairman of the State Boards in various States in India, are held by political figures who have been holding post of MLAs and Ministers in the cabinets of the respective States. I submit that no challenge can be sustained by the Petitioners on the ground that the Respondent no.1 is a politician, and after his appointment as Chairman, has been made a Cabinet Minister in the Government. I submit that the challenge on this count is totally untenable in law and in fact and there is no question of conflict of interest. I submit that as Chairman of the said Board, I have to function within the legal ambit and framework of law, independent of my duties and functions as the Minister in the cabinet.

6. I further submit that there are various other State Boards, such as, Town & Country Planning Board, Planning and Development Authority, Khadi and Village Industries Board, Housing Board, etc., which have been headed in the past and at present by politicians and the challenge to the appointment of Chairman of the Board on the grounds that they will neither have time to attend to the concerns of the Board, nor their decisions as Chairman of the Board be independent and free from Government influence, are totally bad in law, unsustainable and without any basis whatsoever.

7. I submit that in terms of Sec. 4(2)(a) of the Water (Prevention & Control of Pollution) Act, 1974, (hereinafter called 'the said Act'), the Chairman is to be nominated by the State Government being a person having special knowledge or practical experience in respect of matters relating to environmental protection or a person having knowledge and experience in administering institutions dealing with the matters aforesaid. I, therefore, submit that it is for the State Government to nominate a person as a Chairman bearing in mind the aforesaid guidelines. I reiterate that there is no specific or prescribed qualification for a person to be nominated as Chairman of the Board. I submit that the very proviso to Sec.4(2)(a), that the Chairman may be either whole-time or part-time, as the State Government may think fit, makes it comprehensively clear that the present writ of quo-warranto is not maintainable against the nomination of Respondent no.1 by the Government.

8. I submit that the writ of quo-warranto is not maintainable, so long as the State Government has nominated the Respondent no.1 bearing in mind and considering the guidelines set out in Section 4(2)(a) of the said Act. I submit that the Respondent no.1 is not appointed by the State Government as in the case of a full time Member Secretary. I submit that the State Government has nominated the Respondent no.1, namely, proposed or offered the name of the Respondent no.1 to the Office of the Chairman, and once it is shown that the Government had considered the guidelines prescribed in Sec.4(2)(a) of the said Act, the present writ petition is untenable and is liable to be dismissed.

9. I submit that it is for the State Government to decide whether in their opinion, a person is a fit and proper person to be appointed as Chairman of the said Board. I submit that in the opinion of the State Government my nomination as Chairman of the said Board is made after considering the relevant guidelines under Sec.4(2)(a) of the said Act. I submit that in the present case the State Government at the time of my nomination as Chairman, did bear in mind that I had special knowledge in the matters relating to environment protection as I had done my degree in Geography which deals with and teaches the aspects of environment.

10. I submit that the environment, its awareness and protection have gained importance in the recent years and the environment protection is the urgent need of the day and it is precisely for this reason that the legislature in its wisdom while framing the law, have not imposed any

particular or specific qualifications but have laid down certain guidelines to be borne in mind by the State Government for nominating a person to the post of a Chairman. I submit that it is amply clear from the records that the State Government have rightly and correctly formed its opinion after examining the guidelines prescribed under law.

11. First of all, I submit that I possess special knowledge of environment and matters of its protection. I submit that I have been a teacher by profession and has been teaching subjects pertaining to environment in secondary school in higher classes, namely, std. VIII, IX and X. I say that I possess graduate and post graduate qualifications as also degree in education. I reiterate that initially the subject of environment was coming under the caption Geography, but subsequently, a specific subject on environment has been added. I say that as a teacher, I have been imparting knowledge on environment, its protection, environmental components and processes and aspects of land, air, water, biosphere. I say that I have been teaching human impact on environment, the resources, matters relating to physical features, climate, including flora, fauna soils, land use water resources mineral and power resources as also aspects dealing with agriculture and industries. I say that I have been teaching matters such as lithosphere and land formation, the process of gradation, land and climate, soil and land use, matters relating to agriculture, water resources.

12. I say that I have done B.Ed. in Geography which deals with and teaches various aspects of environment and its protection. I say that I

deal with matters relating to subject of environment which are taught by me. I say that the syllabus as also the subject books deal with inter-relationship impact between human activities and environment in different parts of the world and on different aspects of Geography with special emphasis on environment, its components and process, living environment and biological or living environment, the matters relating to atmosphere, the lithosphere, the hydrosphere, the biosphere and the urgent need of protecting the environment from which man derives his food and other resources. I state that the entire syllabus which is taught by me, specifically deals with an understanding of the processes which take place in the environment and necessary so that man's activities are reorganised in such a manner as not to interfere with the environment. I say that syllabus further deals with the basic and important fact that man has to learn to live in perfect harmony with the physical and biological environment so that the earth continues to be habitable for future generations as well.

13. I say that the syllabus also deals with realms of water and air, the longitudinal heat balance, temperature zones, diurnal and seasonal cycles, longitudes, winds, distribution of precipitation, climates, elements of weathers and climates, land and sea contrast, the matters relating to component of ecosystems including biotic components. I say that the said syllabus taught by me also includes the major ecosystems of the earth including aquatic ecosystem and terrestrial ecosystem. I say that the aquatic ecosystem is further detailed into fresh water, estuation and marine ecosystem whereas the terrestrial ecosystem is classified on the basis of climatic condition. I say that the said syllabus

deals with global distribution of biomes as also matters relating to grasslands, animals, desert vegetation etc.

14. I say that the said syllabus taught by me specifically includes matters relating to human impact on the environment including the matters relating to regional variations, human occupation, agriculture, resources, land, water, animal, forests, wild life, fisheries, mineral, mineral fuels etc. I say that the said syllabus also deals with human response to environment including natural environment, desert, terrains, normal regions cool regions, polar regions, etc.

15. I say that it is very important that the said syllabus which is taught by me, also includes matters relating to air pollution, its causes, the effects, the matters relating to ozone layer in the stratosphere and also matters relating to gaseous effluents.

16. I say that I have further dealt with matter dealing with water pollution, its effect and the letting of effluents in rivers, matters dealing with disposal of sewage, effects of pesticides, fertilizers, water and matters relating to enrichment of water.

17. I say that I have taught matters relating to human impact on biosphere, matters relating to land degradation, depletion of resources, etc. I say that in addition to the aforesaid I specifically taught various other matters including matters relating to atmosphere, rainfall, condensation, biosphere, density, geology, ecosystem, etc.

18. I say that I have also taught matters relating to flora, fauna as well as mineral and power resources, etc. In addition to this, I state that the syllabus concerning the degree course in geography, deals with physical geography, pressure systems, applied geography including aspects relating to environment and man, the geographical components in problems relating to human society and their habitats, atmosphere, pressure systems, adaptations of plants and animals to physical and climatic environment, study of local soils and plants as also matters relating to the earth, local land forms, ground water, hydrological cycle, morphogenic regions, classification of shore lines, base level changes and physical properties of sea water.

19. I submit that considering the aforesaid facts, I do have special knowledge of matters relating to environment and its protection. I submit that as a teacher, teaching specific subject relating to environment and having studied the same in detail, I have thus, gathered special knowledge in the field of environment and its protection. I reiterate that as a teacher, I have been teaching the subject of environment to the students for the last 25 years and in the course of my career I have gathered special knowledge relating to subjects of environment and its protection.

20. I submit that having specialised knowledge in the subjects pertaining to environmental protection, I have developed special interest in the aspects of environmental protection, and have gathered practical experience in the matters of environment and its protection as I have raised and taken up various issues of environmental pollution in

the interest of general public in my capacity as M.L.A. of Cuncolim Constituency as well as member of the Assurance Committee, constituted by the Legislative Assembly. I submit that I have raised and drawn attention of the competent authorities to the issues of pollution by various industries and its control, which has led to action by such authorities to prevent pollution.

21. I say that as a Member of Opposition, I have raised before the House, various issues of pollution, safety measures and hygiene as well as questions relating to air and water pollution. I crave leave to refer to and rely on the various questions so raised by me, in the House, and forming part of the records. I reiterate that I have been nominated as the Presiding Member from the Opposition Party in the Assurance Committee constituted by the Legislative Assembly under the Chairmanship of the M.L.A. from the ruling party. I say that as a member of the Assurance Committee, I have visited various polluting and hazardous industries in the Cuncolim Industrial Estate. I say that based on the report of the Committee on Government assurance, action was taken against the units who had not taken precautionary steps to avoid pollution.

22. I say that consequent to the various issued raised by me of pollution control, the Pollution Control Board have issued Show Cause Notices to erring units which were not providing pollution control devices and not adopting safety measures, and after Show Cause Notices, several units have been closed.

23. I say that I have taken up several issues of pollution control with the Board and other authorities, including IDC, which have resulted into taking action by the Board for pollution control. I crave leave to refer to and rely upon the various written communications made by me with the authorities, which form part of the records.

24. I, therefore, submit that I am conversant with the practical aspects of the environment and do possess practical experience, in respect of matters relating to environmental protection due to my specialised knowledge in the field and exposure to the various problems of environmental protection. I submit that I, therefore possess practical experience having raised, conversant with and having inspected the polluting and hazardous industries and having initiated action for pollution control. I, therefore, possess practical experience in the maters relating to environment being interested in and aware of the issues pertaining to environmental protection. I say that it is not that I have only raised the issues as a vigilant citizen of the State but it is important that I have ensured that action is taken against the erring units which have even been closed due to my complaints. I say that action is taken against such units due to my persistent approach to the problem as I have both specialised knowledge as well as practical experience in the matters relating to environmental protection. I submit that the State Government has examined that I possess specialised knowledge in the field as well as experience in matters dealing with practical work on environment which has resulted in action by the competent authorities.

25. I submit that the present writ petition is not at all maintainable as no strict qualifications are prescribed in the nature of academic qualifications or achievements for the office of Chairman. I submit that as far as appointment of Member Secretary is concerned, there is specially laid down qualifications which are absent in case of Chairman and other members. I submit that apart from the Chairman, the Goa State Pollution Board consist of all together 13 Members. I say that the Chairman is entitled to consult the Member Secretary and other members of the Board before taking any decision. I submit that all decisions of the said Board are communicated by the Member Secretary who is having special qualifications in the field. I submit that in terms of Section 8 of the said Act, the Board shall meet at least once in every three months.

I, the deponent abovenamed verify and say that whatever facts stated herein are true to my knowledge and whatever submissions stated herein are by way of legal advice received by me, which I believe to be true.

Solemnly affirmed at Panaji, Goa,
On this 3rd day of April , 2000 DEPONENT

Identified by me :

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
GOA BENCH, AT PANAJI.

Writ Petition of 1999.

The Goa Foundation)..Petitioner.
v/s
Arecio D'Souza and ors..)..Respondent.

AFFIDAVIT-IN-REJOINDER OF GOA FOUNDATION

I, Dr Claude Alvares, Secretary, Goa Foundation, petitioner abovenamed, do hereby solemnly affirm and state as under:

1. With reference to the statement made in para 5 of the Additional Affidavit dated 3.4.2000 of Respondent No.1, I deny that the posts of Chairmen of the State Boards in various states in India are held by political figures who have been holding post of MLAs and Ministers in the cabinets of the respective states. Annexed hereto as Exhibit P1 is a list of the Chairmen of the State Pollution Control Boards of the entire country which provides a completely different picture. The said list has been procured by me from the Central Pollution Control Board officials.

Solemnly affirmed, this
the 17th day of April, 2000.

Deponent

Goa Foundation v/s Arecio D'Souza and ors:

List of various Chairpersons of State Pollution Control Boards in the country, with information reg. qualifications

STATE BOARD	NAME OF CHAIRMAN	QUALIFICATIONS
Andhra Pradesh	Shri V.P. Jauhari	IAS
Arunachal Pradesh	Shri G.P. Shukla	IFS
Assam	Dr. L.N. Bora	(?)
Bihar	Prof. R.C. Sinha	Prof. of Env. Science
Goa	Shri Areclo D'Souza	Politician
Gujarat	Shri P.V. Swaminathan	Retd. IAS
Haryana	Shri J.C. Yadav	IAS
Himachal Pradesh	Shri Dev Swarup	IAS
Jammu & Kashmir	Shri P.P. Sharma	IFS
Karnataka	Prof.B. Shivlingiah	Prof. (Engineering)
Kerala	Shri Paul Thachil	Ex-SPCB
Maharashtra	Dr. Pramod Deo	IAS
Manipur	Prof. N.Gangmumi Kamei	IFS
Madhya Pradesh	Shri V.K. Jain	Retd. Chief Engineer
Meghalaya	Shri H. Prasad	(?)
Mizoram	Shri P.V. Samant	IFS
Nagaland	Shri Thepfulhouvi	IFS
Orissa	Prof.M.C. Dash	Prof. Env. Sciences
Punjab	Shri A.K. Mahajan	Engineer. Ind.Dev.Corp.
Rajasthan	Shri Anil Vaish	IAS
Sikkim	Shri G. Namaichaney	IFS
Tamil Nadu	Shri M. Devraj	IAS
Tripura	Shri Jitendra Chaudhuri	Min. of Sc.& E. (Politician)
Uttar Pradesh	Shri Gopal Awasthi	IAS
West Bengal	Dr.K. Bagchi	IAS
Andaman & Nicobar	Shri S.R. Mehta	IFS
Chandigarh	Shri Rakesh Singh	IAS
Daman, Diu & NH	Shri A.K. Singh	IAS
Delhi	Shri Rajeev Talwar	IAS
Lakshadweep	Shri M.S.Sayed Ismailkoya	IFS
Pondicherry	Dr.Narendra Kumar	IAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH
AT PANAJI

Writ Petition No. 384/1999

The Goa Foundation ... Petitioners

V/s.

Mr. Aracio D'Souza & Ors. ... Respondents

INDEX

Sr.No.	Description	Exh. Nos.	Page Nos. From	To
1.	Additional Affidavit on behalf of Respondent no.1		01	03
2.	Copy of letter 28/06/1993 issued by Petitioner to the Chief Secretary, Government of Goa.	'A'	04	05

Place : Panaji, Goa.

Date : 02/06/2000

ADV. FOR THE RESPONDENT NO.1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH
AT PANAJI

Writ Petition No. 384/1999

The Goa Foundation ... Petitioners

V/s.

Mr. Aracio D'Souza & Ors. ... Respondents

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.1

I, Aracio D'Souza, major, married, Respondent no.1, residing at Cuncolim, Goa, do hereby on solemn affirmation, state and submit as follows:

1. I say that I am filing this Affidavit as per the leave granted by this Hon'ble Court for the limited purpose of dealing with certain additional facts brought on record on behalf of the Petitioner.

2. With reference to the Affidavit dated 03/04/2000 bringing on record copy of the letter dated 26/09/1997 written by the Secretary, Ministry of Environment & Forests, to the Chief Secretaries of all the States, I submit that the same has no statutory bearing or force. I further submit that the Petitioners ought to have brought on record copy of the communication by virtue of which the said letter dated 26/09/1997, came in their hands only on 31/03/2000 as the said letter on the face of it, appears to be a confidential correspondence between the Central and State Government officials.

3. With reference to the Affidavit-in-Rejoinder of the Petitioners, dated 17/04/2000, annexing therewith list of the Chairman of State Pollution Control Boards of the entire country. I also submit that the Petitioners have not disclosed when and in what manner, the said information came into their hands. I say that a bare perusal of the list of various Chairpersons of the Pollution Control Boards of the country, show that in several States I.A.S. & I.F.S. officials, apart from politicians and others are holding the nomination of Chairpersons of State Pollution Control Boards. I say that on making personal inquiries, I have received information that Maharashtra State Pollution Control Board was headed by politicians in the past. I say that Shri. Omachin, M.L.A. of Maharashtra Assembly (Politician), was acting as Chairman of the Maharashtra State Pollution Control Board, for the period 07/06/1982 to 14/01/1992. Similarly, Mr. Rajan Shirodkar (Politician) was acting as Chairman of the Maharashtra Pollution Control Board for the period 10/10/1997 to 26/10/1999. I say that Shri. Laxmi N. Bora who is presently acting as Chairman of the Assam State Pollution Control Board, is also a politician. I say that the Tripura State Pollution Control Board, is also headed by a politician, Shri. Jitendra Chaudhari, who is acting as Minister of State for Science, Technology & Environment. I further say that at the time when the Government had issued the Notification dated 01/06/1992, nominating Dr. Carmo Pegado, then Minister in the State Government, and Mr. Suresh Parulekar as the Vice Chairman of the Goa State Pollution Control Board, the Petitioners had written a letter to the Chief Secretary, Government of Goa, dated 28/06/1993, allegedly objecting to their appointments. I say that the copy of the letter dated

28/06/1993, written by the Petitioners to the Chief Secretary, Government of Goa, came into my hands only recently. I say that as per my inquiry, the Petitioners have chosen not to challenge the appointment of Dr. Carmo Pegado in the Court of law, for reasons best known to the Petitioners. Annexed hereto and marked **Exhibit 'A'**, is a copy of the said letter dated 28/06/1993, issued by the Petitioners to the Chief Secretary, Government of Goa. I say that the Petitioner thereby accepted the nomination of a politician as Chairman of the Board as the Petitioner chose not to challenge the nomination of Dr. Carmo Pegado as the Chairman of the Board during the period from 01/06/1992 to 25/08/1995 (first tenure) and from 26/08/1995 to 05/03/1999 (second tenure).

4. I say that whatever facts stated above are true to my knowledge and based on official records, which I believe to be true, and whatever submissions made are based on legal advice, which I believe to be true.

Solemnly affirmed at Panaji, Goa,
on this day of June, 2000 DEPONENT

Identified by me:

ADV. FOR THE RESPONDENT NO.1

4 EXIBIT "A"

THE GOA FOUNDATION

(Society Registration No. 23/Goa/86)
Above Mapusa Clinic, Mapusa, Goa - 403 507.
Grams: NETWORK - MAPUSA Fax: 91-832-4321 Telex: 194-255 MAVI-IN

321

28.6.93.

Registered A.D.
The Chief Secretary,
Government of Goa,
Secretariat,
Panaji 403 001, Goa.

Subj: Chairman and Vice-Chairman of the Goa State Pollution Control Board.

Dear Sir,

It may be recalled that the Government had issued a notification dated 1st June, 1992, setting up the Goa State Pollution Control Board. Carmo Pegado was appointed Chairman of the said Board and Parulekar was appointed Vice-Chairman of the said Board.

The Foundation, after having examined the matter, has come to the conclusion that Dr Pegado's appointment is bad in law as he does not meet the qualifications required for being appointed Chairman of the Board either under the Water Act, 1974 or the Air Act, 1981. We are therefore writing to you to issue a fresh notification remedying the inadequacy.

Mr. Pegado being a Minister in the present Government is bound to face conflicts of interest since Government itself has a stake in several industries in the state and is also actively inviting and promoting industries many of which have environmental implications.

Mr. Suresh Parulekar has been appointed Vice-Chairman of the Board. Neither the Water Act, 1974 nor the Air Act, 1981 allows a person to be nominated as Vice-Chairman. Since Mr. Parulekar also does not have the requisite qualifications, one wonders how he can preside over meetings in the absence of the Chairman.

The appointment of Mr. Parulekar as "industrialist" is also wrong, in so far as he is a Minister in the present government and was not engaged in industry at the time of appointment. As a Minister for Industry, he is also on record asking for removal of environmental controls for industry. As such, his appointment on the Board is wholly inappropriate. There are also bound to be major conflicts of interest between the activities and duties of the Board and the Minister for Industries who considers it his sole business to keep setting up industries whether they pollute the environment or not.

We are preparing to challenge both these appointments in the near future and are informing you accordingly.

...2/

We strongly feel that the new administration under Dr Wilfred D'Souza should appoint a new Pollution Control Board so that pollution prevention and control can be made once again an important priority. The present Board is completely non-functional, worthless and lacking in credibility. Despite several complaints against polluters, the Board has not shown any inclination to act and we have had to file writ petitions to get the Board to take tests of polluted air and water which it is is duty bound to do any way under the various pollution control acts.

No doubt the control of the Board by two politicians and Ministers of the present Cabinet must contribute much to this disgraceful state of affairs.

We fail to understand why every instrument created by Parliament for laudable social or welfare purposes must be undermined by such atrocious appointments.

Thanking you,
Sincerely,

(Dr Claude Alvares).
Secretary.

cc: Chief Minister, Dr Wilfred D'Souza, for his information and action.
Under-Secretary, S.T. and E.
The Advocate-General.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, GOA BENCH AT PANAJI.

Writ Petition No. 384/1999

The Goa Foundation ..... Petitioners

V/s

Mr. Arecio D'Souza & Ors. ..... Respondents

ADDITIONAL AFFIDAVIT OF RESPONDENT NO. 2

I, Dr. N.P.S. Varde, major in age, residing at Alto Porvorim, Bardez, Goa, do hereby on solemn affirmation declare as follows:

1. I say that I am holding the post of Director-Environment as well as Ex-Officio Joint Secretary/ Environment, Government of Goa. I am filing this Affidavit for the limited purpose of dealing with the Affidavit filed on behalf of the Petitioner together with a copy of the circular letter dated 26th September, 1997 issued by the Secretary, Environment, Government of India, addressed to various Chief Secretaries of States and Union Territories of India.

2. First and foremost, I submit that the said circular dated 26th September, 1997 can have no overriding effect on the statutory provision stipulated under the Water (Prevention and Control of Pollution) Act, 1974 and has no binding and statutory force in law. I submit that the said circular dated 26th September, 1997 is an internal communication between the concerned Central and State Government Departments, and the petitioners are not entitled to rely upon the same for the purpose of the present petition.

...2/-

3. Without prejudice to the above, I say that the said circular letter dated 26th September, 1997 was received by the Office of the Chief Secretary, Government of Goa. The said circular cannot be taken to supplement the provisions of the statute. In the present case the appointment has been done in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974.

4. I further say that the statutory provisions under section 4 (2) of the said Act were complied by the Government at the time of nomination of the Respondent No. 1 as the Chairman of the State Pollution Control Board. I reiterate that the appointment of the Respondent No. 1 has been done in accordance with the provisions of the Act.

5. I say that whatever facts stated aforesaid are true to my knowledge and based on records maintained by the Office of Respondent No. 2 to which I have an access and which I believe to be true.

Solemnly affirmed at Panaji
on this 9th day of June, 2000.

AFFIANT